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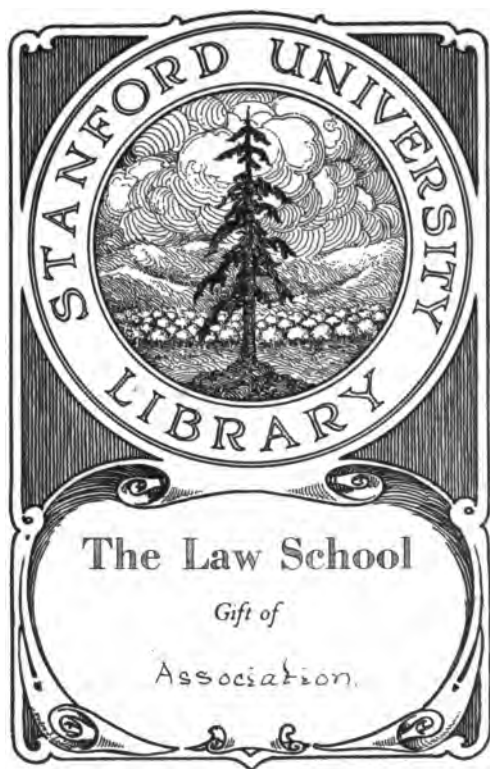
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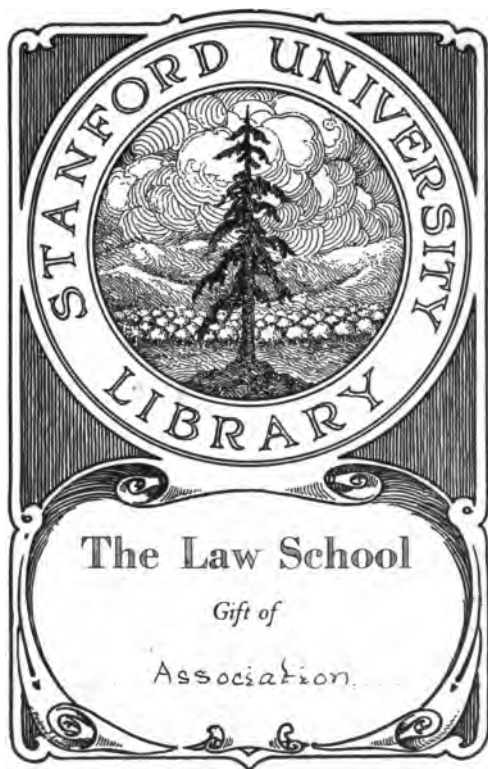
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GEN. E. E. BRYANT,
President of the Association.

REPORT
OF THE
ANNUAL MEETING
OF THE
WISCONSIN STATE BAR
ASSOCIATION
HELD IN
THE CITY OF MADISON
FEBRUARY 12 AND 13
1900

MADISON, WIS.

TAYLOR AND GLEASON, BOOK AND JOB PRINTERS
1901

339287

YU. A. IZRAEL' and G. G. NIKOL'SKIY

PREFACE.

This volume contains, in addition to the report of the proceedings of the meeting of the Association, the memoirs of a large number of deceased members of the bar of this state. The committee on Necrology and Biography have been unable to collect the facts to complete the memoirs of all the deceased members of the bar not included in the report published in 1883. It is probable that there will be included in succeeding reports of the Association memoirs of other deceased members of the bar. The committee on Publication, believing that it will give pleasure to the members of the Association to have the memoirs of the deceased members of the bar accompanied by portraits, have procured and inserted with the memoirs in this volume the portraits of many of the deceased members of the bar of this state. The plates for these portraits have, with very few exceptions, been prepared by the Illinois Engraving Company of Chicago.

PROCEEDINGS
OF THE
WISCONSIN STATE BAR ASSOCIATION

Madison, Wis., February 12th, 1900.

The meeting was called to order in the Supreme Court room at 8 p. m., by the President, Gen. E. E. Bryant, who then delivered an address on Law Reform.

(*See Appendix.*)

The President: The next in the order of exercises for the evening is the report of the Committee on Membership and the election of members. Is the committee ready to report?

Mr. Haring: I think, Mr. President there are no members of the Committee on Membership present. It may be just as well to have applications for membership handed in to the secretary and a temporary Committee on Membership can be appointed and act tomorrow.

The Chair: The next in the order of business is the report of the Treasurer. Is the Treasurer ready to report?

The Treasurer, Mr. Stanley C. Hanks, submitted his report as follows:

Madison, Wis., February 12, 1900.

State Bar Association in account with Stanley C. Hanks, Treasurer:
1899.

	Dr.	Cr.
Feb. 27, By amount received from Burr W. Jones, former treasurer		\$316.57
By special assessments to date		196.00
By annual dues to date		19.00
By admission fees to date		30.00
By exchange on J. C. Kerwin check15
To disbursements, as per cash book	\$195.35	
To cash on hand	366.37	
	\$561.72	\$561.72

The Treasurer's report was adopted.

The Chair: Next in order is the report of the Secretary.

C. I. Haring, Secretary, read the following report:

"At our last annual meeting forty-six new members were elected, making a total membership at the present time of 459. Printed copies of the proceedings of the various Bar Associations in different states have been received and it will be a pleasure in the near future to send copies of our own printed records in return to these Bar Associations as requests are constantly received asking us to exchange reports. It may be surprising to learn that in 1897 there were 211 Bar Associations of all sorts,—state, city and county,—in the United States. Pennsylvania alone had forty, Ohio had twenty-eight, Massachusetts had 11, New York and Minnesota had nine each Wisconsin now has 10. There are only two states in the Union having no Bar Association. The Secretary of the Georgia Bar Association has recently compiled an index to all the topics discussed and papers read before the various bar associations up to date. This index will be of considerable value as

papers are usually carefully prepared and well considered. During the past year the executive Committee of our Bar Association has met several times, although there has been no particular call for any special business except in connection with the publication of our records and making preparations for this annual meeting.

The purpose for which our association has been formed would be promoted much more perceptibly if the various standing committees could in some way be stimulated to increased activity. There are many lawyers throughout the state who would be glad to join the association if some effort were made to induce them to do so. Our association is composed of many of the most prominent lawyers in active practice throughout the entire state and ought to be a potent factor in every thing which relates to its welfare.

Respectfully submitted,

CORNELIUS I. HARING,
Secretary."

The report of the Secretary was adopted.

The following report of the Committee on Publication was then presented by Mr. Jackson:

"The Committee on Publication respectfully report that, under the direction of the Executive Committee, they have prepared and caused to be published, an abstract of the proceedings of the meetings of the association held since 1885, with the addresses delivered and papers presented at such meetings, in one volume bound in cloth, containing four hundred and ten pages, and that they have caused to be printed an edition of five hundred copies at the

cost of \$284.00. All of which is respectfully submitted.

Dated, February 12, 1900.

A. A. JACKSON,
Chairman of Committee on Publication."

The report of the Committee on Publication was adopted.

The following report of the Committee on Legal Education was then presented by Judge Noyes:

"The Committee on Legal Education, through its Chairman the Hon. Joshua Stark, submitted to this association at its annual meeting in 1899 a comprehensive and thoughtful report upon one of the two subjects which had been referred to it by the executive committee, being the question of raising the standard and increasing the requirements for admission to the bar in this state. It was there shown, among other things, that we have now two standards, one adopted by the law department of the State University, and one prescribed by law for the state board of examiners.

By the former a course of preliminary study for three years before admission is required, and by the latter a course of two years only is required. Without repeating the reasons so well stated in such report, we concur heartily in the conclusion reached that the required term of study for all students preparing to enter the legal profession should be the same when they present themselves for examination before the state board of examiners as when they receive their diplomas upon graduation from the

University law school, and that this term should be not less than three years. .

To make the change thus suggested will require an amendment of the statutes, and we recommend that steps be taken to accomplish this result at the next session of the legislature.

The other subject referred to and briefly considered by the committee on legal education was the advisability of adopting a code of ethics, as expressing the rules and principles which should be observed by members of the legal profession. In addition to what was said in such report upon this subject, we wish to add that in our opinion it would not only be a proper and dignified act on the part of this association to adopt a suitable code of ethics, but that suitable instruction should be given, or a course of reading required, on this question as a pre-requisite to admission to the bar. Every applicant should at least be required to pass a satisfactory examination on the "Aims and Duties of the Profession of the Law." These are admirably presented in the lectures delivered by Judge Sharswood before the law class of the University of Pennsylvania, and published in the volume known as "Sharswood's Legal Ethics." Perhaps as able and comprehensive statement of these principles can be found in the address given by Chief Justice Ryan before the Law Class of the State University of Wisconsin in 1873.

But this essay (Sharswood's) and most, if not all, of the old professional codes, omit to discuss one of the many important questions of the day in reference to the conduct of the members of the bar, and we

take this occasion to briefly refer to this one question only.

We find in a recent code adopted by one of the bar associations, that this subject has received some recognition. It pertains to the public press. The following rules are laid down in this code as guides to professional conduct on this subject:

Newspaper advertisements, circulars and business cards tendering professional services to the general public are proper, but special solicitations of particular individuals to become clients ought to be avoided. Indirect advertisement for business, by furnishing or inspiring editorials or press notices, regarding causes in which the attorney takes part, the manner in which they are conducted, the importance of his positions, the magnitude of the interests involved, and all other like self-laudation, is of evil tendency and wholly unprofessional.

Newspaper publications by an attorney as to the merits of pending or anticipated litigation call forth discussion and reply from the opposite party, tend to prevent a fair trial in the courts, and otherwise prejudice the due administration of justice. It requires a strong case to justify such publications, and when proper it is unprofessional to make them anonymously.

These rules are not intended as a criticism of the press. We recognize that the function of a newspaper is to get the news and to get it by every legitimate means and as accurately as possible. We recognize how difficult, we may say how nearly impossible, it is for the newspaper reporter to get a legal proposition or argu-

ment into the columns of his paper so that it accurately states the case, or even so that it can be recognized by the author who delivered it. The average newspaper report of a trial either creates mirth or excites anger, and the lawyer is sorely tempted to wish that he had himself written it, so that it might be intelligible to his brethern, if not to the public.

We are not criticising the reporter for doing his duty in gathering up the news by hearsay or by interview. That is a part of his calling and is carried on with enterprise and ingenuity. Our comments are on the attorney who intentionally or good-naturedly or otherwise seeks an interview, or allows himself to be interviewed, on pending litigation. In a recent case in the supreme court in a neighboring state the justice delivering the opinion thus expressed his views: "The ethics of the legal profession forbid that an attorney should advertise his talents or his skill as a shop keeper advertises his wares." And yet it is not an uncommon thing for attorneys to advertise themselves in many ways by means of the public press in legal matters, quite otherwise than through the insertion of a business card in a paid advertising column. Some of the many ways consist in giving to the press a complaint or other pleading before it is put into the hands of the officer to serve, or before it is filed in the office of the clerk of the court; in announcing a threatened suit even in advance of the preparation of any papers; in being interviewed as to the object and results of pending suits or pending motions; in commenting on the decision of the court and the course to be probably pur-

sued by appeal or otherwise; and the effect to be anticipated on the rights of the parties or others by rulings made during the course of the trial; in defending himself or his client before the bar of the public instead of at the bar of the court.

We regret to say that it has sometimes happened in neighboring states, if not our own, that judges have so far forgotten what is due to the dignified position they hold as to speak to the public through the columns of the daily newspaper by communication or interview, concerning matters then pending or just concluded, or about to be heard, in their court.

We submit that there should be one inviolable rule for bench and bar in professional matters. The interviewer must at all times find them deaf and dumb to all entreaties, The reporter must get his information from the court files and from what is said and done in open court. By this course the bench and bar can assert and maintain the dignity and decorum necessary to a high professional standing. By no other course is it possible.

There are; it is true, in litigation affecting public interests, or of a quasi-political nature, especially in our larger cities, great temptations and occasionally perhaps provocation sufficient to induce an interested attorney to speak to the public through the newspaper on behalf of his client's interests, but this should be the great exception to an almost inflexible rule. This rule should permit attorneys to speak to the public only through the medium of the courts and the court records as to all matters which are the

subject of litigation and entrusted to them under professional retainer.

Respectfully submitted,

GEO. H. NOYES, Chairman.

GEO. C. GREENE,

JOSHUA STARK,

B. W. JONES,

E. W. CHAFIN."

The Chair: Perhaps it may be desirable to have some remarks or comment on the very excellent report of the chairman of the committee on Legal Education. We would like to hear from any member of the association present who may have a word to offer.

Mr. Haring: Mr. President, I might say for the benefit of the members present that Virginia has adopted a code of ethics several years ago and that that identical code has been approved and adopted by a number of other states. Colorado I think has adopted it in its regular form.

Judge Noyes: Our report was taken from Colorado.

Mr. Haring: I think Iowa has also adopted it, and I don't know whether it would be in order for us to have a committee appointed for the purpose of looking into the matter and submitting a code at our next meeting. It is something that ought to be done. I therefore suggest that a committee be appointed to take that matter into consideration and report at the next annual meeting a code which they would recommend for adoption.

Mr. Stevens: I would suggest that the committee which has just made its report is a proper committee

to leave the subject with, and that that committee be requested to report a code at the next annual meeting.

The Chair: You have heard the motion of Mr. Stevens that the Committee on Legal Education, which has made this report and recommendation be instructed to report at the next annual meeting a Code of Ethics which they deem desirable for adoption.

The motion was carried and the committee so instructed.

The Chair: The next thing in order is the appointment of a committee to nominate officers for the ensuing year. The chair will appoint as that committee: Burr W. Jones of Madison, D. H. Flett and A. R. Bushnell, to report whenever it is convenient tomorrow. The officers to be elected by this association are the president, vice-presidents and the chairmen of the several committees, as I remember the constitution.

Mr. Jackson: Permit me to suggest that the chairmen of the different committees are elected for three years, and that there is only one chairman to be elected.

The Chair: Then the committee will nominate officers to succeed those whose terms have expired.

Mr. Bashford: I desire to offer a resolution at this time. "Resolved, That a committee of five be appointed, to report at the present meeting, for the proper observance of John Marshall Day, on Monday, February 4, 1901." It is known, I presume, to those present, that at the suggestion of the State Bar Association of Illinois, the American Bar Association at its last meeting recommended the observ-

ance of this day and appointed a committee, consisting of one from each state, to take the matter in charge. That committee has issued a general circular letter or address asking the different state bar associations to take proper action with reference to this celebration, and I think that a committee ought to be appointed to recommend to the association here while in session some plan for observing the day in this state.

The Chair: The resolution is before the association. Does the motion receive a second?

Mr. Lamoreux: I second the motion for the appointment of a committee.

Mr. Jackson: The matter of making the arrangements for the meetings of the association is left by the constitution with the Executive Committee, and I suggest whether this resolution should not be referred to that committee.

Mr. Bashford: This is not a recommendation for the meeting of this association. It is a recommendation for a committee to recommend a plan for such observance as may be thought proper, locally or otherwise, of this day. This ought to be considered and some plan adopted by this association at its present meeting.

Mr. Stevens: It occurs to me that if the Illinois Bar planned a banquet on that day, it may be proper for the neighboring states to unite, and it looks too that this might be in the way of that celebration. It would be infinitely better to have one great celebration which would take in the Northwest, than a lot of small celebrations in each state.

Mr. Bashford: That question will come up when

the committee is appointed and makes its report.

The Chair: The question is upon the adoption of the resolution that a committee of five be appointed by the president to report at the present meeting of the association a plan for the proper observance of John Marshall Day, on Monday, February 4th, 1901. As explained by the gentleman offering the resolution, that was a general plan, not necessarily a plan to govern this association as a body.

The resolution was adopted.

The Chair: I will name Mr. Bashford as chairman of the committee to act under the resolution presented by him, and C. A. Lamoreux, D. F. Jones. N. S. Gilson and Joshua Stark as constituting that committee.

Judge Bardeen: I desire to call the attention of the association to one thing that has been overlooked in the report of the committee on Legal Education. They suggest an amendment to the effect that the standard of admission to the bar fixed by statute, be made to conform to the standard of the Law School here and that both be placed on the same basis. If legislation is necessary to secure that, as they recommend, ought we not to take some steps here at this time to secure that end? The meeting next year will not take place until so late that the legislature may not be able to take any new business, and it seems to me the committee ought to be instructed at this time to prepare and forward such a measure and have it presented in proper time when the legislature meets next year.

The Chair: The chair would say to Judge Bardeen that that matter, being of such importance, had

better be laid over to be called up to-morrow when the attendance will be much larger. The secretary will please call the chair's attention to it.

On motion the meeting adjourned until tomorrow morning at 9:30 A. M.

February 13th, 1900, 9:30 A. M.

The meeting was called to order in the Senate Chamber by the President.

The Chair: In the absence this morning of Mr. Osborn, chairman of the Committee on Membership, I will appoint a temporary committee on Membership, to act during this meeting of the Association: Mr. Jackson, of Janesville, Secretary. Haring and Mr. Hanks, of Madison, to whom applications for membership and all matters incident thereto will be referred. The next thing in the order of business is the election of officers for the ensuing year. Is the Committee on Nominations ready to report?

Mr. Jones: The committee have requested me to report the following persons as those selected to present to the Association:

For President—Joshua Stark.

For Secretary—Cornelius I. Haring.

For Treasurer—Stanley C. Hanks.

For Vice Presidents:

1st Judicial District—Thomas M. Kearney.

2d Judicial District—J. G. Flanders.

3d Judicial District—Charles Barber.

4th Judicial District—L. J. Nash.

5th Judicial District—J. M. Smith.

6th Judicial District—R. S. Reid.

- 7th Judicial District—E. E. Browne.
8th Judicial District—J. W. Bashford.
9th Judicial District—John M. Olin.
10th Judicial District—G. W. Latta.
11th Judicial District—H. H. Grace.
12th Judicial District—B. B. Eldridge.
13th Judicial District—Edwin Hurlbut.
14th Judicial District—C. E. Vroman.
15th Judicial District—C. A. Lamoreux.
16th Judicial District—E. L. Bump.
17th Judicial District—M. C. Ring.

Two members of the Executive Committee for three years:

Chairman of Committee on Membership—Chas. F. Lamb.

Chairman of Committee on Necrology—W. W. Wight.

The secretary was instructed to cast the ballot for the persons named in the report of the committee.

The secretary reported that he had cast the ballot for the several persons nominated by the committee.

The Chair declared such persons duly elected to the offices for which they were nominated.

The Chair: The next in order is the report of the Committee on Legal Education. As I remember there was one point left last evening with respect to the recommendation made in regard to action to be taken toward securing uniformity of the law with the rules of the University in respect to admission to the bar. The Chair will hear remarks upon that subject from the gentlemen present.

Mr. Sanborn: I have acted on the state board of

law examiners for about seven years, from 1893 down to the present time, and I have some knowledge in regard to the qualifications of the men who appear there for admission. I think the average of preparation among those young men is over three years. There are a few who get through at the first examinations, upon a two years' study, but those are men who are law school men or who have had special study in some institution. I think among those who get through that examination from law offices the average preparation is at least four years. I think that in fact the standard is not far different from that in the law school. The standard is different it is true, as the statute only requires a two year's preparation for the bar examination, although practically, as I say, it works the other way. Several attempts have been made to obtain legislation along this line. At the last session of the legislature a bill was introduced for the purpose of requiring three years' study or preparation before the bar examination. That bill failed because other provisions were included in it which were objectionable, or thought to be objectionable, by the judiciary committee of the assembly. I think if a bill were presented to the next legislature with that end alone in view it would probably pass. With such statements as can be made by men connected with the law school and by the bar examination board and others, I think such a bill would probably pass; but it should be disconnected from any other questions and stand entirely upon its own merits. There has been a feeling in the legislature that the law school and bar examinations were too strict, especially among members out-

side of the cities, but that is very rapidly disappearing under the pressure of outside influence.

The states around Wisconsin are getting very strict, especially with Wisconsin lawyers, and if a man tries to get into the bar of Illinois, Minnesota, or perhaps some other of the western states, he finds it very difficult to do so. They point to this law on the statute books allowing a man to become a lawyer upon a two years' study, and that works, as I have been told, against us in that way. But under this feeling that we have not been treated fairly by other states the objection to a long course of study is rapidly disappearing, and I think legislation properly drawn can be passed next year that will meet the case entirely.

Mr. Grimm: I rise to correct what I think is a misapprehension on the part of Mr. Sanboru. The bill recommended by the bar last year was not presented to the legislature. Opposition having developed to some of its provisions it was not presented and therefore did not fail in that manner.

Mr. Lewis: I move that the Committee on Legal Education be instructed by the Bar Association to prepare a proper bill to bring the law into harmony, making the course of study three years,

Mr. Olin: I second that motion, and in seconding it I wish to make a little statement along the line that Mr. Sanborn suggested, which came to my notice. In a number of instances young men who had, for example, graduated from our law school and taken the full three years' course and wished to enter practice in an adjoining or some other state, for instance, Colorado, I believe, was one, could not be admitted

on the ground of comity because the law of Colorado required a three years' course,—I may be mistaken in the state—while Wisconsin required but a two years' course. They looked to our statute and not to what is required in the law school as fixing the basis, and they will not admit, on the principle of comity, any one to practice in that state who is not required, by the law of the state that he comes from and where he is admitted, to take a three years' course. So that in that way we are legislated against, oftentimes against the very best men we have, and from Mr. Sanborn's statement there would be no hardship at the present time in having the law extended to three years.

The Chair: I will remark that having examined many of the statutes of the states about us, the state of Wisconsin, in its spirit of comity and hospitality, exceeds them all. The states of Minnesota and Iowa have especially legislated against Michigan and Wisconsin, requiring, in Iowa, examinations in the supreme court. That is the rule in Colorado also, no matter what course they have had or the time they have studied. In Minnesota they require six months study there in an office in addition to any diploma. The particular phase of the report under discussion is this part of the recommendation which I will read:

"The committee on Legal Education, through its Chairman the Hon. Joshua Stark, submitted to this association at its annual meeting in 1899 a comprehensive and thoughtful report upon one of the two subjects which had been referred to it by the Executive Committee, being the question of raising the standard and increasing the requirements for ad-

mission to the bar in this state. It was there shown, among other things, that we have now two standards, one adopted by the law department of the state university, and one prescribed by law for the state board of examiners.

"By the former a course of preliminary study for three years before admission is required, and by the latter a course of two years only is required. Without repeating the reasons so well stated in such report, we concur heartily in the conclusions reached that the required term of study for all students preparing to enter the legal profession should be the same when they present themselves for examination before the state board of examiners as when they receive their diplomas upon graduation from the University Law School, and that this term should not be less than three years.

"To make the change thus suggested will require an amendment of the statutes, and we recommend that steps be taken to accomplish this result at the next session of the legislature."

The resolution offered and seconded is that the Committee on Legal Education be instructed by the association to prepare and present to the legislature at its next session a bill carrying out the views of the association.

The resolution was adopted and the committee so instructed.

The Chair: It gives me pleasure, gentlemen, to inform you that the next in order of our exercises is a paper by Mr. Peck of Chicago, on the subject of "Lincoln as a Lawyer." Mr. Peck needs no introduction to a Wisconsin gathering of lawyers. When

you wash away and rub off the cosmopolitan veneer from him you will find that he is in heart and soul a Wisconsin boy.

Mr. George R. Peck then delivered an address entitled "Lincoln as a Lawyer."

(See Appendix.)

The Chair: The Wisconsin bar counts among its jewels those who are reared in our midst, admitted to our profession here, gone into other and greater communities, and there taken their place in the forefront of the profession. It is my pleasure to now introduce to you another jewel of that kind, Mr. Stephen S. Gregory of Chicago, who will read to us a paper on the Louisiana Purchase.

Mr. Gregory then read his paper on the Louisiana Purchase.

(See Appendix.)

Judge Noyes: Mr. President, I move you that the thanks of the association be extended to Mr. Peck and Mr. Gregory for the instructive and interesting papers which have been presented to us.

The Chair: Gentlemen, you have heard the motion that the thanks of the Association be extended to Mr. Peck and Mr. Gregory for their valuable, interesting and instructive papers. Those in favor of the motion will signify it by a rising vote. The vote is unanimous.

The treasurer requests me to make the following announcement: That published reports are ready for distribution and that members will confer a favor by calling for the same and thereby saving mailing. The treasurer will distribute these books in the su-

preme court room after this meeting. At that time dues may also be paid and banquet tickets purchased. I would also like to suggest that any of you who desire to join the Association or present names of applicants for membership will kindly present them as soon as possible so that we can act on them the early part of this afternoon's session.

On motion the meeting adjourned to 2 P. M.

2:00 P. M.

Meeting called to order by the President.

The Chair: As my excellent friend Vice President Lamoreux is very dangerously exposed to occupy this place some time in an official capacity, I think I will call him to the chair now to make him used to the locality. He will have the kindness to sit during the afternoon exercises.

Senator Lamoreux occupies the chair.

The Secretary: I have a communication here, signed by the chairman of a Boys' Club in Milwaukee, which I will read for such action as the association may desire to take on it:

"To the members of the State Bar Association of Wisconsin:

Gentlemen: The executive board of the Boys' Busy Life Club wish to call your attention to the fact that there are nearly one thousand boys, under twenty years of age, arrested in Milwaukee annually. These boys now come in contact with all kinds of criminal characters in the process of their arrest, detention and trial, although the boys themselves are, many of them, in no sense criminal but have been arrested through some accident or fault

of some older person or from indulging in a pure spirit of fun. In these and many other ways children are brought under the pressure of the law.

It is self-evident that these cases should receive such special attention as shall tend to divert the minds of these boys from any evil or downward tendency and should help to place them in the ranks of self-respecting, law-abiding citizens.

To this end we ask that your Association take such measures as are necessary to establish in the immediate future a juvenile court, where all minors are received and from which they may often be released to a probation officer.

We would call attention to the juvenile court recently established in Illinois.

Yours very sincerely,

MRS. HENRY F. WHITCOMB,

Chairman."

The Secretary: I understand that Mr. Stark and Gen. Winkler have been approached on this subject and their knowledge of the matter is much more extensive than my own. I think it would be proper for the chair to call on those gentlemen to express their opinions on the subject.

Mr. Stark: This communication deals with a subject that has of late challenged the attention of benevolent women, particularly in the larger cities of the country, and has led to more or less legislation in other states looking to the adoption of measures which shall check as far as possible the recruiting of the criminal classes from the children, the boys and girls, of tender age in those cities, who are led and schooled in

the way of dereliction and finally to crime through contact with the vicious classes. More or less legislation of the kind has become common in the states. We have in this state our separate places of detention of persons who are committed for crime or for misdemeanors, such as the Industrial School in Milwaukee, particularly for girls, and at Sparta, the school at Waukesha for boys, and other institutions of this state, which are intended to separate young and tender persons, whose character is unformed, from the mature criminal classes. But this goes deeper than that. Its purpose is to take charge of the young before they reach places of detention, for a considerable period, and endeavor to arrest the progress of such young persons in the downward course and prevent their becoming habitual criminals.

In some of the older states measures looking in this direction have been adopted in the last four or five years and recently in Illinois a law has been passed, applying only to Chicago (as probably legislation of this kind would not at present be made applicable to any other city than Milwaukee), adopting a very carefully matured system for the treatment of this subject, and this phase of it, largely brought about through the experience and the efforts of those parties who are conducting what is known as Hull House in Chicago; Miss Jane Addams, well known as a woman who has devoted her life and fortune to the well-being of the vicious classes. That law is worthy of careful examination and may perhaps be applicable, under somewhat similar conditions, in this state. I think that the bar associations of the cities, as well as of the state, should take

knowledge of these steps in the direction of reform and of the preservation of society and prevention of crime, and make their influence felt in such direction.

I move that this communication be referred to the Committee on Amendment of Law with a request that they investigate this subject and report to this association at its next annual meeting.

The motion was carried and the communication referred to the Committee on Amendment of Law.

The Secretary: I have a communication relating to the place for holding our next annual meeting. Although this properly is under the control of the Executive Committee, still if the gentlemen desire I will read these communications which have been received by me since coming to this city. One was received from Mayor Rose of Milwaukee, extending a cordial invitation to hold our next annual meeting in Milwaukee, and the other from Mr. T. J. Sullivan, secretary of the Citizens Business League, to the same effect. It might be only courteous to these gentlemen to read these communications, if it is permissible.

Letters read and referred to the Executive Committee.

Henry M. Lewis then read a paper on the subject of "The Early Bar of Madison."

(See Appendix.)

Warren D. Tarrant of Milwaukee read a paper on the subject of "Loose Professional Habits."

The Chair: The secretary has the list of names which have been proposed for membership, which we might act upon at this time.

(Names read by the secretary.)

The Secretary: I think these are all the names that have been handed to me. If any have been omitted I would like to have them handed in or have my attention called to them.

The report was adopted and those whose names had been read were elected members of the association.

The report of the temporary Committee on Membership as adopted is as follows:

"Madison, February 13, 1900.

To the State Bar Association of Wisconsin:—

The Temporary Committee on Membership respectfully report that applications for membership have been received from the following named gentlemen, and this committee recommends their election:

William H. Rogers	-	-	-	Fort Atkinson.
Franklin E. Bump	-	-	-	Wausau.
Warren D. Tarrant	-	-	-	Milwaukee.
Joseph E. Messersmith	-	-	-	Madison.
Pierson L. Halsey,	-	-	-	Milwaukee.
W. A. Hayes	-	-	-	Milwaukee.
Henry P. Schmidt	-	-	-	Madison.
C. H. Tenney	-	-	-	Madison.
Harry L. Butler	-	-	-	Madison.
A. H. Reid	-	-	-	Merrill.
L. M. Sturdevant	-	-	-	Neillsville.
D. F. Jones	-	-	-	Sparta.

A. A. JACKSON,
CORNELIUS I. HARING,
STANLEY C. HANKS.

Committee."

The Chair: Mr. Wight has a report to make.

Mr. Wight: Mr. Chairman, this is the report of the Committee on Necrology. I am informed that there have been no printed necrologies of the State Bar Association since the year 1881, almost nineteen years ago. It was the desire of the members of the Executive Committee that there should be gotten together biographies of all the members of the State Bar Association who had died since that time. The committee undertook that task and in endeavoring to fulfill it widened the field still further and have undertaken to record the names of all the attorneys of the state of Wisconsin who have died since June, 1881. They are now aware how impossible it is to accomplish this endeavor, but they have undertaken and are able only to report progress thus far. I have here the manuscript thus far accumulated, which I do not ask leave to read. Each one of the pages stands for a person who has been a member of the bar of this state since the summer of 1881 and who has died since that time. The list includes two hundred and three persons. There are doubtless more than that, but that number only has reached the committee. The manuscript has been submitted to different members of the committee, notably Gen. Winkler, from whom suggestions have been received and improvements made upon the manuscript. There are complete biographies here of eighty-one different persons. There are biographies in various stages of completion of eighty-seven additional persons. There is information needed to make a complete biography of thirty-five persons. I would like permission to read the names of these thirty-five persons

and would like to ask the gentlemen present, who can give me addresses of persons to write to, to give me the same in case of any of these persons, so that the biographical list can be made as complete as possible before printing time is reached.

List read by Mr. Wight and information given by members as to a number of the persons named.

The Chair: Mr. Vilas has a report to make for the Judicial Committee.

Mr. Vilas: So far as the Judicial Committee is concerned, I can report verbally as well as any other way. There are two conditions of the state bar that justify the Judicial Committee in stating that a state of peace reigns: either that there are no recalcitrant members of the bar, or else that there are some who are so bad that it is not deemed necessary to report them. The Judicial Committee is sometimes called in the newspapers the "Judiciary Committee." It is not; its proper name is the "Judicial Committee," and its peculiar functions are to receive complaints against offending members of the profession. There have been no reports made, none received by the committee, and the committee has not thought that it was its function to go about the state trying to find them; therefore the committee has nothing to report.

Mr. Bashford: The committee appointed in regard to the proposed celebration of John Marshall Day has left with the secretary its report. The secretary will please read it.

Report referred to read by the secretary as follows:
"To the State Bar Association:

The committee appointed in reference to the pro-

posed celebration of John Marshall Day, to take place February 4, 1901, respectfully report that in their opinion there should be a general observance of the day throughout the state, and recommend:

1. That this association hold its next annual meeting upon that day and that suitable exercises be arranged to commemorate the distinguished services of the great chief justice, such exercises to be under the control of the Executive Committee of the association.

2. That the supreme court and circuit courts of the state observe the day by the cessation of judicial business, and that all county and city bar associations participate in commemorative exercises in such manner as to them shall seem most appropriate.

3. That commemorative exercises be held in the State University, Normal schools, and other public schools of the state, to the end that the youth of the country may be made more fully acquainted with Chief Justice Marshall's patriotic labors and distinguished services.

4. That a special committee of five be appointed by the president of this association to urge upon the members of the bar of the different counties and upon the public authorities the importance of the proper observance of the day; and to secure the services of speakers for public addresses in different localities when called for, and that the state superintendent of public instruction be invited to co-operate with the committee in their efforts to secure com-

memorative services in the public schools of the state.

Dated February 13th, 1900.

R. M. BASHFORD, Chairman.

C. A. LAMOREUX,

D. F. JONES,

N. S. GILSON,

JOSHUA STARK.

Which report was adopted.

The Chair: We will now take up the next number on the program, a paper by Senator John M. Whitehead of the Janesville bar, subject: "State Legislation."

(*See Appendix:*)

Mr. Smith: Mr. President, it seems to me and I think to every member of the bar that this subject which Senator Whitehead has so ably presented to us is a matter of great importance, and I for one am not prepared to act upon it at this present session. I would therefore suggest that the chair appoint a committee of three with Senator Whitehead as chairman, to take this matter under consideration and present it to our next meeting, which would be in next February, and try to adopt some plan that will cover these suggestions that he has made here. It is certainly a matter of great importance and one which we all appreciate the force of, particularly those who have served a session in the legislature, and I would suggest that the chair appoint a committee of three, with Senator Whitehead as chairman, to prepare some report for our next meeting covering this subject.

This motion was carried.

E. Ray Stevens of the Madison bar then read a paper on the "Origin and Growth of the Rights of Accused Persons in Criminal Trials."

(*See Appendix.*)

Gen. Bryant: The Chair will appoint as a committee to carry out the recommendations of the association with respect to John Marshall Day: Mr. Bashford, Mr. Lamoreux, Mr. Jones, Mr. Gilson and Mr. Stark.

The committee suggested by Mr. Smith of Mineral Point will report to the association at its next meeting on the subject of "State Legislation." The Chair will appoint on that committee: Senator Whitehead as chairman, agreeably to the resolution, Mr. Smith of Mineral Point, and Mr. Sanborn of Dane County.

There being no further business to be transacted the meeting adjourned.

CONSTITUTION.

NAME.

Section 1. The Association shall be called "The State Bar Association of Wisconsin."

OBJECT.

Section 2. The object of the Association is to maintain the honor and dignity, and to increase the usefulness and influence of the profession of the law.

MEMBERSHIP.

Section 3. The members of the legal profession in this state whose names shall within sixty days be subscribed to the roll of membership, are hereby declared to be members of this Association.

Any member of the profession in good standing, practicing in this state, may become a member by a vote of the Association, as hereinafter prescribed, on signing the said roll and paying the prescribed admission fee. By-laws regulating the admission of members may be adopted.

Section 4. The judges of the several courts of record having civil or criminal jurisdiction in this state and of the United States, are hereby declared to be honorary members of this Association, and may take part in all its deliberations on general subjects. Non-resident members of the profession may be elected honorary members with like privileges.

REPRESENTATION BY PROXY.

Section 5. Any member in good standing, who is

unable to attend any meeting of this Association, may be represented therein by proxy duly appointed in writing, such proxy being a member of this Association, and a resident of the judicial circuit of the member appointing him.

Section 6. The officers of the Association shall be a president, a vice-president from each judicial circuit in the state, a secretary, a treasurer and an executive committee, consisting of the president, secretary and treasurer, and the chairman of each standing committee. All of said officers, except the executive committee, shall be elected for one year and until their successors are elected. At the meeting of the Association at which this provision shall be adopted there shall be elected two members of the executive committee for one year, two for two years, and two for three years, and thereafter two members of such committee shall be elected annually for three years. The standing committee of which each member of the executive committee shall be chairman shall be designated at the time of his election. Vacancies occurring in the office of secretary, treasurer or executive committee, shall be filled by appointment by the executive committee, until the next ensuing annual meeting. The president shall be the chairman of the executive committee and the secretary shall be the secretary of such committee.

DUTIES OF EXECUTIVE COMMITTEE.

Section 7. The executive committee shall conduct the affairs of the Association subject to the constitution, by-laws and rules of the Association, and shall carry out all resolutions or directions of the Association. They shall have power to make by-laws

for the government of the Association, its officers and committees in all matters; but such by-laws may be amended, altered or repealed by the Association at any meeting thereof. The Association may also adopt by-laws, and no by-law, alteration or repeal of a by-law made by the Association, shall be altered, changed, modified or restored by the committee.

DUTIES OF SECRETARY.

Section 8. The secretary shall keep a record of the proceedings of all meetings of the Association, and of its executive committee, in a book kept for that purpose. He shall preserve all correspondence, and all communications addressed to the Association or to its committee, relating to its affairs and lay the same before the committee at any meeting thereof. He shall notify officers and members of their election, and conduct the correspondence of the Association under the direction of the executive committee, and perform such other duties as may be prescribed by the constitution or by-laws, or as the Association or executive committee may direct.

The secretary shall deposit with the Wisconsin State Historical Society for safe-keeping the records, documents, books and papers of the Association, except such as may be required by the secretary and treasurer in the performance of their duties.

DUTIES OF TREASURER.

Section 9. The treasurer shall receive, collect, safely keep and under the direction of the executive committee disburse all funds of the Association. He shall report annually, or oftener if required by the committee; shall keep regular accounts of all sums received and disbursed, and shall notify all members

in arrears. His accounts shall at all times be open for inspection of the executive committee, and shall be examined at each meeting of the Association by a special committee to be appointed for that purpose. He shall at the expiration of his term of office, pay over and deliver to his successor in office, or such person as the executive committee shall appoint to receive the same, all moneys, books and property in his possession as such officer on demand. He shall perform such other duties as may be prescribed by the constitution or by-laws, or as the Association or executive committee may direct.

MEETINGS OF THE ASSOCIATION.

Section 10. There shall be a meeting of the Association once in each year, on the third Tuesday of February, and such other meetings as the Association shall appoint, or as may be called by the executive committee. The secretary shall give thirty days' notice of all meetings, whether annual or special, except as may be provided by rule or by-law hereafter adopted. The usual parliamentary rules shall govern the meetings of the Association. The admission fee shall be two dollars, to be paid in all cases on signing the roll of members. Annual dues shall be fixed and assessed at the annual meetings, and shall be payable forthwith; and any member failing to pay, after thirty (30) days' notice, shall cease to be a member unless excused by the executive committee.

ELECTIONS.

Section 11. Elections shall be by ballot. In elections of officers a majority of the votes cast shall elect; in election of members three-fourths of the votes cast shall be necessary to elect.

PROCEEDINGS, WHEN PUBLIC.

Section 12. Proceedings against members or other lawyers, upon complaint, shall be with closed doors. Other deliberations of the meetings shall be open to the public. In proceedings upon complaints no votes shall be allowed by proxy.

MEMBERS, WHEN AND HOW TO JOIN.

Section 13. If any person elected as a member does not, at or before the next annual meeting, signify his acceptance by signing the roll and paying his admission fee he shall be deemed to have declined to become a member. Any person elected a member may, by letter of attorney, to be filed with the secretary, appoint any member his attorney to sign the roll.

STANDING COMMITTEES,

Section 14. There shall be appointed by the president, in the manner herein provided, the following standing committees, which shall consist of six members each and a member of the executive committee, who shall be chairman thereof.

1. A Judicial Committee, which shall be charged with the duty of hearing and examining all complaints against members of the Association, and also all complaints which may be made in matters affecting the interests of the legal profession, the practice of the law, and the administration of justice, and to report the same to the Association with such recommendations or suggestions as they deem proper.

2. A Committee on the Amendment of the Law, which shall be charged with the duty of considering proposed changes in the law, and of recommending such as they deem entitled to the favorable influence

of the Association, and of conferring with the legislature of the state, or any committee thereof, in respect thereto, when directed by the Association.

3. A Committee on Membership, to which shall be referred for recommendation and report, all applications for membership in the Association.

4. A Committee on Legal Education, on which shall devolve the duty of examining and reporting upon our system of legal education and of admission to the bar, and recommending such changes as they deem advisable.

5. A Committee on Necrology and Biography, who shall report to each annual meeting the decease of any members of the Association who shall have died during the preceding year, and the decease of distinguished members of the legal profession in this state who may not be members of this Association, with such obituary notices as such committee may deem best.

6. A Committee on Publication, who shall, under the direction of the executive committee, prepare for publication and cause to be printed the proceedings of the meetings of the Association, with the addresses and papers presented at such meetings, or such part thereof as such committee may deem best.

7. At the meeting of the Association at which this provision shall be adopted, there shall be appointed two members of each of such committees for one year, two members of each such committee for two years, and two members of each of such committees for three years. Thereafter two members of each of

such committees shall be appointed annually for three years.

8. Special committees may be appointed by the Association from time to time. Each committee may adopt rules for its government or procedure, subject to the constitution and by-laws. Each of said committees shall make a report at the annual meetings of the Association, and to the executive committee, whenever required by that committee.

PROCEEDINGS AGAINST MEMBERS OF THE LEGAL PROFESSION.

Section 15. Whenever complaint shall be made against a member of this Association, by any member or members thereof for any misconduct in his relations thereto, or by any person or against any member of the legal profession admitted to or practicing at the bar in this state, whether a member of this Association or not, for any misconduct in his profession, such complaint may be presented to the Judicial Committee. The complaint must be in writing, subscribed by the member or person making the same, plainly stating the matter complained of, with particulars of time, place and circumstance. The committee shall examine the same, under such regulations as they may adopt, and report their conclusions, together with the evidence in the case, to the Association for such action as the case may require. If the Association shall determine that any lawyer, whether a member of this Association or not, should be presented to the supreme or any circuit court in this state to be dealt with for any misconduct in the profession, the Association shall

appoint a committee to prosecute such case in behalf of the Association.

SUSPENSION, EXPULSION, ETC.

Section 16. Any member may be suspended or expelled for misconduct in his relations to the Association, or in his profession, after conviction thereof, by such method of procedure as may be prescribed by the laws; and all interest in the property of the Association of persons ceasing to be members by expulsion, resignation or otherwise, shall thereupon vest in the Association.

WHEN TO TAKE EFFECT—AMENDMENTS.

Section 17. This constitution shall go into effect immediately. It can be amended only by a two-thirds vote of the members present in person or by proxy at an annual meeting of the Association.

SIGNING THE ROLL.

Section 18. A roll for the signature of the members of this Association shall be prepared by the secretary and be signed by the several members thereof appending to the name of each respectively in appropriate columns, the date of his election to membership, the date of his signature to the roll, the county and place of his residence and his postoffice address. Such roll shall have the following agreement at the head thereof, to-wit: "The undersigned each severally undertakes to become a member of 'The State Bar Association of Wisconsin,' and agrees with the said Association and the several members thereof, to abide by the constitution of the same, and the by-laws which may be adopted thereunder, to faithfully perform the duties of, and honorably de-

mean himself as a member of the Association; and to pay such dues, assessments and fines as may be imposed upon him in accordance with said constitution or by-laws."

BY-LAWS.

Article I. Any member of the profession practicing in this state, desiring to join the Association, will forward his application in writing to the secretary, stating therein his full name and residence, when and where he was admitted to the bar, and where he has since been engaged in the practice of the law.

Article II. The secretary will note upon each application for admission the date of its reception, and present all applications received by him to the committee on membership at its first meeting.

Article III. The committee on membership will, on the first day of the convening of the Association at an annual or other meeting, act upon all applications for admission presented to them, and report to the Association, at its first business session of such meeting, with its recommendation upon each application.

MEETINGS OF THE ASSOCIATION.

Article IV. The order of exercises at the annual meeting shall, unless otherwise directed by the executive committee or the Association be as follows:

1. Opening address of the president and such other exercises as the executive committee shall prescribe,
2. Report of Committee on Membership and election of members.
3. Reports of secretary and treasurer.
4. Report of Executive Committee.

5. Reports of standing committees: Judicial Committee, On Amendment of the Law, On Legal Education.
6. Reports of special committees.
7. Nomination of officers.
8. Miscellaneous business.
9. The election of officers.

Article V. No person shall speak more than ten minutes at a time nor more than twice on the same subject unless by permission of the Association.

Article VI. All reports made, papers or essays read or addresses delivered before the Association, shall be lodged with the secretary. The annual address of the president, such addresses as may be delivered on invitation of the executive committee, and a minute of all proceedings at the annual meeting shall be printed; and such other papers or addresses as the executive committee shall direct.

MEETINGS OF STANDING COMMITTEES.

Article VII. All standing committees shall meet on the first day of each annual meeting, at the place where the same is to be held, at such hours as their respective chairmen shall appoint.

Article VIII. Special meetings of any committee shall be held at such times and places as the chairman thereof may appoint; reasonable notice to be given by him to each member by mail.

Article IX. The executive committee shall hold a meeting at such time and place as shall be fixed by the chairman thereof at least sixty days prior to the annual meeting of the Association for the purpose of making such arrangements as they may deem advisable for such annual meeting. They shall imme-

diately after such meeting report to the secretary the arrangements made by them, if any, and the secretary shall give notice thereof to each member of the Association by mail at least thirty days prior to such annual meeting.

OFFICERS FOR 1900.

President—Joshua Stark.

Vice Presidents:—

1st Circuit—Thomas M. Kearney.

2nd Circuit—J. G. Flanders.

3rd Circuit—Charles Barber.

4th Circuit—L. J. Nash.

5th Circuit—J. M. Smith.

6th Circuit—R. S. Reid.

7th Circuit—E. E. Browne.

8th Circuit—J. W. Bashford.

9th Circuit—John M. Olin.

10th Circuit—G. W. Latta.

11th Circuit—H. H. Grace.

12th Circuit—B. B. Eldredge.

13th Circuit—Edwin Hurlburt.

14th Circuit—C. E. Vroman.

15th Circuit—C. A. Lamoreux.

16th Circuit—E. L. Bump.

17th Circuit—M. C. Ring.

Secretary—Cornelius I. Haring.

Treasurer—Stanley C. Hanks.

STANDING COMMITTEES.

Executive Committee—Joshua Stark, President; Cornelius I. Haring, Secretary; Stanley C. Hanks, Treasurer. For one year—George H. Noyes, A. A. Jackson. For two years—A. L. Sanborn, E. P. Vilas. For three years—W. W. Wight, Charles F. Lamb.

Judicial Committee—E. P. Vilas, Chairman. For one year—George G. Sutherland, P. J. Clawson. For two years—T. C. Ryan, L. J. Nash. For three years—Frank M. Hoyt, Charles N. Gregory.

On Membership—Charles F. Lamb, Chairman. For one year—I. F. Viele, W. S. Stroud. For two years—F. W. Houghton, L. W. Halsey. For three years—Calvert Spensley, C. H. Tenney.

On Amendment of the Law—A. L. Sanborn, Chairman. For one year—M. G. Jeffris, A. E. Bleekman. For two years—L. J. Powell, D. E. Riordan. For three years—N. S. Gilson, Edward W. Frost.

On Legal Education—George H. Noyes, Chairman. For one year—Wm. D. Van Dyke, E. W. Chafin. For two years—George F. Merrill, Francis Williams. For three years—Burr W. Jones, George G. Green.

On Necrology and Biography—W. W. Wight, Chairman. For one year—F. C. Winkler, M. A. Baker. For two years—Charles E. Monroe, M. S. Griswald. For three years—W. H. Mylrea, B. F. Dunwiddie.

On Publication—A. A. Jackson, Chairman. For one year—J. C. Rood, Ernest N. Warner. For two years—A. S. Douglass, J. M. Whitehead. For three years—T. E. Ryan, T. D. Weeks.

LIST OF MEMBERS.

*Deceased, †Removed from State.

Adams. R. K.,†	-	-	-	Milwaukee
Alban, Stephen H.,	-	-	-	Rhineland.
Allen, W. J.,	-	-	-	Milwaukee.
Anderson, A. W.,	-	-	-	Madison.
Anderson, J. S.,	-	-	-	Manitowoc.
Andrews, H. E.,	-	-	-	Lodi.
Angel, Franklin M.,	-	-	-	Rice Lake.
Armstrong, Thomas, Jr.,	-	-	-	Portage.
Arthur, L. J.,	-	-	-	Lancaster.
Austin, W. H.	-	-	-	Milwaukee.
Aylward, John A.,	-	-	-	Madison.
Babcock, David,	-	-	-	Fond du Lac.
Babcock, V. M.,*	-	-	-	Wagon Landing.
Bagley, William R.,	-	-	-	Madison,
Bailey, D. R.,†	-	-	-	Baldwin,
Bailey, W. C.,†	-	-	-	San Jose, Cal.
Bailey, W. F.,	-	-	-	Eau Claire.
Baker, E. S.,	-	-	-	Portage.
Baker, H. C.,	-	-	-	Hudson.
Baker, Myron A.,	-	-	-	Kenosha.
Bancroft, L. H.,	-	-	-	Richland Center.
Barber, Charles	-	-	-	Oshkosh.
Barber, J. Allen,*	-	-	-	Lancaster.
Bardeen, Charles V.,	-	-	-	Madison.
Barker, John,*	-	-	-	Baraboo.
Barlow, H. P.,	-	-	-	Hudson.

Barlow, S. S.	-	-	-	Chippewa Falls.
Barney, S. S.	-	-	-	West Bend.
Barnes, Lyman E.,	-	-	-	Appleton.
Bartlett, William P.,	-	-	-	Eau Claire.
Bashford, John W.,	-	-	-	Hudson.
Bashford, R. M.,	-	-	-	Madison.
Bass, James W.,	-	-	-	Milwaukee.
Beebe, W. H.,	-	-	-	Milwaukee.
Benedict, C. T.,	-	-	-	Milwaukee.
Bennett, John R.,*	-	-	-	Janesville.
Bennett, W. H.	-	-	-	Milwaukee.
Bice, Charles M.,†	-	-	-	Denver,
Billings, Levi J.,	-	-	-	Rhineland.
Bird, Claire B.,	-	-	-	Wausau.
Bird, George W.,	-	-	-	Madison.
Black, Oscar F.,	-	-	-	Richland Center.
Blanchard, H. H.,	-	-	-	Janesville.
Bleekman, A. E.,	-	-	-	La Crosse.
Bloodgood, Francis,	-	-	-	Milwaukee.
Bloodgood, Francis, Jr.	-	-	-	Milwaukee.
Boland, W. F.,	-	-	-	Chippewa Falls.
Botkin, S. W.*	-	-	-	Minneapolis, Minn.
Bottum, Elias H.,	-	-	-	Milwaukee.
Bowman, Jonathan,*	-	-	-	Kilbourn City.
Brand, M. H.,	-	-	-	Milwaukee.
Brazee, A. C.,	-	-	-	Milwaukee.
Briesen, E. V.,*	-	-	-	Columbus.
Briggs, C. W.	-	-	-	Milwaukee.
Briggs, Harry E.,†	-	-	-	Pueblo, Colo.
Briggs, M. J.,	-	-	-	Dodgeville.
Brigham, J. R.,*	-	-	-	Milwaukee.
Bright, Alfred H.,	-	-	-	Minneapolis, Minn.
Briiks, T. J.	-	-	-	Boscobel.

Brown, Charles N.,	-	-	Madison.
Brown, Clarence S.,†	-	-	Chicago.
Brown, Neal,	-	-	Wausau.
Browne, Edward E.,	-	-	Waupaca.
Brownson, C. A.,*	-	-	Burlington.
Bryant, Edwin E.,	-	-	Madison.
Bruce, Andrew A.,	-	-	Madison.
Buchanan, D., Jr.,	-	-	Chippewa Falls.
Buell, C. E.,	-	-	Madison.
Bump, Elisha L.,	-	-	Wausau.
Bump, Franklin, E.,	-	-	Wausau.
Bunn, Charles W.,†	-	-	St. Paul, Minn.
Bunn, Romanzo,	-	-	Madison.
Burchard, George W.,	-	-	Fort Atkinson.
Burdge, Richard J.,	-	-	Beloit.
Burns, Edward E.,	-	-	Platteville.
Burke, J. F.,	-	-	Milwaukee.
Burnell, George W.	-	-	Oshkosh.
Burnham, F. W.,	-	-	Richland Center.
Bushnell, A. R.,	-	-	Madison.
Bushnell, T. H.,	-	-	Hurley.
Butler, A. R. R.,	-	-	Milwaukee.
Butler, Harry L.,	-	-	Madison.
Butler, John A.,	-	-	Milwaukee.
Buxton, Henry L.,	-	-	Milwaukee.
Bugbee, Albert L.,	-	-	Shell Lake.
Burpee, Fred C.,	-	-	Janesville.
Carpenter, Ed. F.,	-	-	Janesville.
Carpenter, J. H.,	-	-	Madison.
Carpenter, Paul D.,	-	-	Milwaukee.
Carr, Joseph S.,†	-	-	Chippewa Falls.
Carter, Charles S.,	-	-	Milwaukee.
Carter, George W.	-	-	Fond du Lac.

Carter, George B.,	-	-	Platteville.
Carter, Richard,	-	-	Dodgeville.
Carter, William E.,	-	-	Milwaukee.
Cary, Alfred L.,	-	-	Milwaukee.
Cary, Melbert, B.,†	-	-	New York.
Cary, John W.,*	-	-	Chicago.
Cassoday, J. B.,	-	-	Madison.
Catlin, Charles L.,	-	-	Hudson.
Chadbourn, Thos. R.,†	-	-	Chicago.
Chafin, E. W.,	-	-	Waukesha.
Chapin, E. E.,	-	-	Milwaukee.
Christiansen, C. A.	-	-	Juneau.
Chynoweth, H. W.	-	-	Madison.
Chynoweth, Thomas B.,*	-	-	Madison.
Clark, A. J.,	-	-	Milwaukee.
Clark, John M.,	-	-	Milwaukee.
Clark, John G.	-	-	Lancaster.
Clark, John T.,	-	-	Waupun.
Clark, Orlando E.,	-	-	Appleton.
Clark, Sat.*	-	-	Horicon.
Clawson, P. J.,	-	-	Monroe.
Clementson, George	-	-	Lancaster.
Coe, H. L.,	-	-	Ozaukee.
Cody, R. P.	-	-	Sturgeon Bay.
Cole, Orsamus.	-	-	Milwaukee.
Cole, Rublee A.,	-	-	Milwaukee.
Cole, Willard C.,	-	-	Sheboygan.
Collins, Alex. L.,†	-	-	Gladstone, Mich.
Coleman, Elihu,*	-	-	Fond du Lac.
Coleman, N. A.,	-	-	Eagle River.
Condit, J. T.,	-	-	Chippewa Falls.
Conklin, W. D.,	-	-	Fond du Lac.
Connor, Thomas, J.,	-	-	Chippewa Falls.

Connit, H. E.,†	-	-	Fond du Lac.
Conover, Frederick K.,	-	-	Madison.
Conover, O. M.*	-	-	Madison.
Cook, Amasa G.,	-	-	Columbus.
Cottrill, J. P. C.,*	-	-	Milwaukee.
Cotzhausen, F. W.,	-	-	Milwaukee.
Cox, G. J.,	-	-	Milwaukee.
Cunningham, John	-	-	Janesville.
Curtis, George, Jr.,	-	-	Merrill.
Curtis, H. H.*	-	-	Merrill.
Crosten, William,*	-	-	Racine.
Davis, De Witt,	-	-	Milwaukee.
Dearborn, H. V.,*	-	-	Beloit.
Dick, James J.,	-	-	Beaver Dam.
Dickenson, S. N.,	-	-	Sparta.
Dixon, L. S.,*	-	-	Milwaukee.
Douglas, James	-	-	Milwaukee.
Dow, Joel B.,	-	-	Beloit.
Downer, F. W., Jr.,†	-	-	Chicago.
Downs, William W.	-	-	Eau Claire.
Doyle, Peter	-	-	Milwaukee.
Dudgeon, M. S.,	-	-	Madison.
Dudley, Charles L.,*	-	-	Madison.
Dunwiddie, B.,	-	-	Monroe.
Dunwiddie, B. F.,	-	-	Janesville.
Dwyer, W. D.,	-	-	West Superior.
Dyer, Jos. H.,	-	-	Milwaukee.
Eaton, A.,	-	-	Stevens Point.
Ebbets, W. H.,*	-	-	Milwaukee.
Eldredge, B. B.,	-	-	Janesville.
Elliott, Eugene,	-	-	Milwaukee.
Engle, Gottlieb,*	-	-	Milwaukee.
Erdall, John L.,	-	-	Madison.

Eschweiler, F. C.,	-	-	Milwaukee.
Estabrook, C. E.,	-	-	Milwaukee.
Fairchild, H. O.,	-	-	Green Bay.
Fairchild, J. B.,	-	-	Marinette.
Felker, Charles W.	-	-	Milwaukee.
Felker, Frederick,	-	-	Milwaukee.
Fethers, Ogden H.,	-	-	Janesville.
Field, H. H.,†	-	-	Chicago.
Fifield, Charles L.,	-	-	Janesville.
Finch, H. M. *	-	-	Milwaukee.
Finch, Earl P.,*	-	-	Oshkosh.
Finch, A.,*	-	-	Milwaukee.
Fish, John T.,*	-	-	Milwaukee.
Fish, A. C.,	-	-	Racine.
Fisher, Arthur M.,	-	-	Janesville.
Flanders, James G.,	-	-	Milwaukee.
Fleming, John B.	-	-	Eau Claire.
Fleet, David H.,	-	-	Racine.
Flett, William H.,	-	-	Merrill.
Ford, Irving T.,	-	-	Milwaukee.
Foster, William M.,	-	-	Milwaukee.
Frank, Alfred S.,*	-	-	Portland, Oregon.
Frankenburger, D. B.	-	-	Madison.
Frawley, Thomas F.,	-	-	Eau Claire.
Friend, Charles,	-	-	Milwaukee.
Frisby, L. F.,*	-	-	West Bend.
Frost, Albert S.,*	-	-	Waupun.
Frost, E. W.,	-	-	Milwaukee.
Frost, G. L.*	-	-	Dodgeville.
Gaynor, J. A.,	-	-	Grand Rapids.
Geiger, F. A.,	-	-	Milwaukee.
Gibson, W. K.,†	-	-	Riverside, Cal.
Gielens, Henry J.,	-	-	Milwaukee.

Gill, Charles R.,*	-	-	Madison.
Gill, Thos. H.,	-	-	Milwaukee.
Gilson, F. L.,*	-	-	Milwaukee.
Gilson, Norman S.,	-	-	Fond du Lac.
Gleason, E. F.,	-	-	Ashland.
Goldberg, B. M.,	-	-	Milwaukee.
Goldsmith, E. F. J.,	-	-	Milwaukee.
Gonski, Casimir,	-	-	Milwaukee.
Goodwin, George B.*	-	-	Milwaukee.
Goodland, John,	-	-	Appleton.
Gough, Arthur,	-	-	Chippewa Falls.
Grace, Harry H.,	-	-	Ashland.
Graham, Wilson,*	-	-	Milwaukee.
Granger, Stephen W.,*	-	-	Milwaukee.
Graves, Charles W.,	-	-	Viroqua.
Gray, Hamilton H.,	-	-	Darlington.
Greene, George G.,	-	-	Green Bay.
Gregory, Charles N.,	-	-	Madison.
Gregory, J. C.,*	-	-	Madison.
Griffin, M.,*	-	-	Eau Claire.
Grimm, Geo.,	-	-	Jefferson.
Griswold, M. S.,	-	-	Waukesha.
Guppy, J. J.,*	-	-	Portage.
Haight, T. W.,	-	-	Waukesha.
Hale, Ledyard, P.,†	-	-	Canton, N. Y.
Halsey, L. W.,	-	-	Milwaukee.,
Halsey, Pierson H.,	-	-	Milwaukee.
Hamilton, Charles H.,	-	-	Milwaukee.
Hammel, Leopold,	-	-	Milwaukee.
Hanks, S. C.,	-	-	Madison.
Hand, Willis,†	-	-	Phillips.
Hanitch, Louis	-	-	West Superior.
Hanson, Burton,†	-	-	Chicago.

Haugen, N. P.,	-	-	-	River Falls.
Harding, C. F.,†	-	-	-	Chicago.
Haring, Cornelius I.,	-	-	-	Milwaukee.
Harper, J. C.,	-	-	-	Madison.
Harshaw, H. B.,*	-	-	-	Oshkosh.
Hastings, Samuel D., Jr.,	-	-	-	Green Bay.
Hathaway, R. C.,	-	-	-	Oconomowoc.
Hayden, Henry H.	-	-	-	Eau Claire.
Hayes, Everett A.†	-	-	-	Ashland.
Hayes, J.,	-	-	-	Hudson.
Hayes, J. O.†	-	-	-	Ashland.
Hayes, W. A.,	-	-	-	Milwaukee.
Hays, J. B.†	-	-	-	Horicon.
Hazleton, G. W.	-	-	-	Milwaukee.
Hazeltine Willis W.,*	-	-	-	Stevens Point.
Helms, E. W.,	-	-	-	Superior.
Herdegen, Adolph,*	-	-	-	Milwaukee.
Hiner, Joseph G.†	-	-	-	Fond du Lac.
Hooker, Eli,	-	-	-	Waupun.
Hooker, D. G.,*	-	-	-	Milwaukee.
Hooper, Moses	-	-	-	Oshkosh.
Hoskins, I. I.,	-	-	-	Dodgeville.
Hough, George C.,	-	-	-	New Richmond.
Houghton, F. W.,	-	-	-	Milwaukee.
Howard, Samuel,*	-	-	-	Milwaukee.
Hoyt, Frank M.,	-	-	-	Milwaukee.
Hoyt, William R.,	-	-	-	Chippewa Falls.
Hubbell, Charles B.,†	-	-	-	Milwaukee.
Hudd, Thomas R.*	-	-	-	Green Bay.
Hunter, Charles F.,	-	-	-	Milwaukee.
Huntington, H. J.,	-	-	-	Green Bay.
Hurlbut, Edwin,	-	-	-	Oconomowoc.

Hurley, M. A.,	-	-	-	Wausau.
Hutchinson, Buel E.,	-	-	-	Madison.
Ingersoll, George B.,	-	-	-	Beloit.
Jackson, A. A.,	-	-	-	Janesville.
Jackson, H. B.,†	-	-	-	Oshkosh.
Jackson, W. A.,	-	-	-	Janesville.
Jeffris, Malcolm G.,	-	-	-	Janesville.
Jenkins, James G.,	-	-	-	Milwaukee.
Jenkins, John J.,	-	-	-	Chippewa Falls.
Jerdee, M. P.,	-	-	-	St. Croix Falls.
Johnson, D. H.,	-	-	-	Milwaukee.
Johnson, Edward E.,†	-	-	-	Milwaukee.
Johnson, Fred J.,	-	-	-	Milwaukee.
Jones, Burr W.,	-	-	-	Madison.
Jones, D. F.,*	-	-	-	Sparta.
Jones, Granville D.,	-	-	-	Wausau.
Jones, John T.,*	-	-	-	Dodgeville.
Kelly, D. M.,†	-	-	-	Green Bay.
Kelly, Fred.,	-	-	-	Milwaukee.
Kendrick, C. D.,*	-	-	-	Milwaukee.
Kennan, K. K.,	-	-	-	Milwaukee.
Keenan, T. L.,	-	-	-	Milwaukee.
Kennedy, William,	-	-	-	Appleton.
Kerwin, J. C.,	-	-	-	Neenah.
Keyes, E. W.,	-	-	-	Madison.
Kidder, George B.,	-	-	-	New Richmond.
King, Angie J.,	-	-	-	Janesville,
Kirkland, Robert S.,	-	-	-	Jefferson.
Knight, Herbert,*	-	-	-	Milwaukee.
Koeffler, C. A., Jr.,	-	-	-	Milwaukee.
Knowles, Geo. P.,	-	-	-	West Superior.
Krause, Alfred A.,	-	-	-	Milwaukee.
Krause, Max C.,	-	-	-	Milwaukee.

Kreutzer, A. L.,	-	-	Wausau.
Krez, Conrad,*	-	-	Milwaukee.
Kroncke, George,	-	-	Madison.
LaFollette, Robert M.,	-	-	Madison.
Lamb, C. F.,	-	-	Madison.
Lamb, F. J.,	-	-	Madison.
Lamoreux, C. A.,	-	-	Ashland.
Lamoreux, O. H.	-	-	Stevens Point.
Lander, H. W.,	-	-	Beaver Dam.
Lander, W. J.,*	-	-	Green Bay.
Lando, M. N.,	-	-	Milwaukee.
Lanyon, Cyrus,	-	-	Mineral Point.
Larson, L. R.,†	-	-	Eau Claire.
Laverty, Charles E.,†	-	-	Milwaukee.
Law, F. J.,	-	-	Shullsburg.
Lawrence, George H.,	-	-	Milwaukee.
Leahy, M. A.,†	-	-	Milwaukee.
Lee, H. W.,	-	-	Stevens Point.
Leitsch, W. C.,	-	-	Columbus.
Lewis, Herbert A.,*	-	-	Madison.
Lewis, H. M.,	-	-	Madison.
Lines, Geo.,	-	-	Milwaukee.
Losey, J. W.,	-	-	La Crosse.
Ludwig, J. C.,	-	-	Milwaukee.
Luscombe, Robert,	-	-	Milwaukee.
Luse, Louis K.,	-	-	Superior.
Lynch, Thomas,*	-	-	Antigo.
MacBride, R. J.,	-	-	Neillsville.
Malone, Booth M.,†	-	-	Denver.
Mann, Charles D.,	-	-	Milwaukee.
Manning, W. S.,	-	-	Muscoda.
Manwaring, E. B.,	-	-	Menomonie.
Marchetti, Louis,	-	-	Wausau.

Mariner, E.,	-	-	-	Milwaukee.
Markham, George C.,	-	-	-	Milwaukee.
Markham, H. H.,†	-	-	-	Milwaukee.
Marshall, R. D.,	-	-	-	Madison.
Martin, C. K.*	-	-	-	Milwaukee.
Masters, C. H.,	-	-	-	Sparta.
Matheson, Alexander E.,	-	-	-	Janesville.
Maxon, Glenway,	-	-	-	Milwaukee.
Maxwell, John S.,	-	-	-	Milwaukee.
McCaslin, L. W.,†	-	-	-	Kansas City, Mo.,
McDill, George D.,	-	-	-	Osceola Mills.
McDonald, W. H.,	-	-	-	Hudson.
McElroy, Horace,	-	-	-	Janesville.
McElroy, W. J.,	-	-	-	Milwaukee.
McIlhon, Charles W.	-	-	-	Mineral Point.
McGowan, Emmet D.,	-	-	-	Janesville.
McKenna, Maurice,	-	-	-	Fond du Lac.
McKenney, J. C.,*	-	-	-	Milwaukee.
McMynn, Robt.,	-	-	-	Milwaukee.
McMullen, J. F.,†	-	-	-	Milwaukee.
McMullen, J. E.,	-	-	-	Chilton.
McNally, H. F.,	-	-	-	Muscoda.
Meggett, Alexander T.,	-	-	-	Eau Claire.
Menzie, Silas W.,	-	-	-	Beloit.
Merrill, George F.,	-	-	-	Ashland.
Messersmith, J. E.,	-	-	-	Madison.
Miller, Benjamin K.,*	-	-	-	Milwaukee.
Miller, Benjamin K., Jr.,	-	-	-	Milwaukee.
Miller, George P.,	-	-	-	Milwaukee.
Miller, Samuel S.,	-	-	-	Whitehall.
Millet, Daniel C.,	-	-	-	Prairie du Chien.
Mills, George,†	-	-	-	Prairie du Chien.
Mills, J. M.,	-	-	-	Lancaster.

Mills, J. T.,	- - -	Lancaster.
Miner, James Harvey	-	Richland Center.
Moe, Ernest S.,	- -	Milwaukee.
Mouat, Malcolm O.,	- :	Janesville.
Monroe, Charles E.,	- -	Milwaukee.
Morris, Charles M.,	- -	Milwaukee.
Morris, Howard,	- -	Milwaukee.
Morris, W. A. P.,	- -	Madison.
Morris, W. H.,†	- -	Minneapolis, Minn.
Morrow, J. M.,*	- -	Sparta.
Morsell, Arthur L.,	- -	Milwaukee.
Mulberger, Henry,	- -	Watertown.
Murphy, N. S.,	- -	Milwaukee.
Meyers, George H.,*	- -	Appleton.
Mylrea, William H.,	-	Wausau.
Nash, L. J.,	- - -	Manitowoc.
Nohl, Max,	- - -	Milwaukee.
Nolan, Thomas S.,	- -	Janesville.
Norcross, John V.,†	- -	Chicago.
Norcross, Pliny,	- -	Janesville.
Norris, William H., Jr.,†	-	Green Bay.
Noyes, George H.,	- -	Milwaukee.
Nye, Frank M.,	- - -	Clear Lake.
O'Connor, J. L.,	- -	Milwaukee.
Ogden, Lewis M.,	- -	Milwaukee.
Olin, John M.,	- - -	Madison.
Ollis, John.,	- - -	Madison.
O'Meara, Patrick	- -	West Bend.
O'Neil, James,	- - -	Neillsville.
Ordway, David S.,	- -	Milwaukee.
Orton, J. J.,*	- - -	Milwaukee.
Orton, P. A.,	- - -	Darlington.
Osborn, C. F.,	- - -	Darlington.

Packard, W. H.,	-	-	Stevens Point.
Palmer, W. G.,	-	-	Boscobel.
Parish, J. K.,	-	-	Medford.
Parkinson, A. C.,	-	-	Columbus,
Parkinson, Frank E.,	-	-	Madison.
Parks, Warham,*	-	-	Oconomowoc.
Patchin, M. B.,	-	-	New London.
Pease, Harlow,	-	-	Watertown.
Pellage, G. W.,†	-	-	Chicago, Ill.
Pereles, James M.,	-	-	Milwaukee.
Pereles, Nathan,*	-	-	Milwaukee.
Pereles, Thomas J.,	-	-	Milwaukee.
Peters, William H.,*	-	-	Montello.
Pfund, Herman,	-	-	Madison.
Phelps, M. M.,*	-	-	Janesville.
Phillips, M. C.	-	-	Milwaukee.
Pierce, Chas. E.	-	-	Janesville.
Pierce, S. W.,	-	-	Friendship.
Pierce, Humhprey,	-	-	Appleton.
Pinney, Silas U.,*	-	-	Madison.
Pope, Carl C.,	-	-	Black River Falls.
Pope, Ralph C.,	-	-	West Superior.
Pors, William A.,*	-	-	Marshfield.
Potter, R. L. D.,*	-	-	Wautoma.
Powers, Jas. A.,	-	-	Milwaukee.
Pratt, John M. W.,	-	-	Milwaukee.
Prentiss, Guy C.,	-	-	La Crosse.
Pride, C. A.,	-	-	Milwaukee.
Price, John, Jr.,	-	-	Wonewoc.
Price, William T.,*	-	-	Black River Falls.
Provis, Alexander,	-	-	Boscobel.
Putney, Frank H.,	-	-	Waukesha.
Quarles, Charles,	-	-	Milwaukee.

Quarles, Joseph V.,	-	-	Milwaukee.
Ramsey, G. A.,	-	-	Kilbourn City.
Raney, John S.,	-	-	Milwaukee.
Raymond, James O.*	-	-	Stevens Point.
Reese, Samuel W.,	-	-	Dodgeville.
Reed, Myron A.,	-	-	West Superior.
Reid, A. H.,	-	-	Merrill.
Reid, Ray S.,	-	-	La Crosse.
Remington, C. C.,*	-	-	Baraboo.
Reukema, R.,	-	-	Milwaukee.
Riess, John R.†	-	-	Milwaukee.
Rietbrock, Fred.,	-	-	Milwaukee.
Richardson, M. P.,	-	-	Janesville.
Riley, M. M.,	-	-	Milwaukee.
Ritchie, A. S.,†	-	-	Racine.
Richmond, T. C.,	-	-	Madison.
Ring, M. C.,	-	-	Neillsville.
Riordan, D. E.	-	-	Eagle River.
Robinson, George E.,	-	-	Oconomowoc.
Robinson, N. S.,	-	-	Milwaukee.
Rodolph, Charles G.,	-	-	Muscoda.
Rogers, William H.,	-	-	Fort Atkinson.
Rogers, W. H.,	-	-	Madison.
Rogers, J. H.,	-	-	Portage.
Rood, John C.,	-	-	Beloit.
Rosenburg, Marvin B.,	-	-	Wausau.
Rosendale, Samuel	-	-	Milwaukee.
Ross, Frank A.,	-	-	West Superior.
Rountree, H. H.,	-	-	Platteville.
Ruger, William	-	-	Janesville.
Ruger, William, Jr.	-	-	Janesville.
Runge, Karl	-	-	Milwaukee.
Rusk, Lycurgus J.	-	-	Chippewa Falls.

Russell, Charles C.,	-	-	Janesville.
Ryan, Hugh	-	-	Milwaukee,
Ryan, Thomas C.,	-	-	Wausau.
Ryan, T. E.,	-	-	Waukesha.
Sale, J. W.,	-	-	Janesville.
Sale, L. B.,*	-	-	Green Bay.
Sanborn, A. L.,	-	-	Madison.
Sanborn, A. W.,	-	-	Stevens Point.
Sawyer, H. W.,	-	-	Hartford.
Scheiber, Fred.	-	-	Milwaukee.
Schley, Bradley G.,*	-	-	Milwaukee.
Schmidt, Henry P.,	-	-	Madison.
Seaman, Charles,	-	-	Sheboygan.
Seaman, William H.,	-	-	Sheboygan.
Seeley, J. W.,	-	-	Waupun.
Shea, W. F.,	-	-	Ashland.
Sheldon, Henry T.,	-	-	Madison.
Sheldon, Shepard L.,†	-	-	Fargo.
Shepard, Charles E.,†	-	-	Seattle.
Shepard, Thomas R.,†	-	-	Seattle.
Siebecker, R. G.,	-	-	Madison.
Silverthorn, Willis C.,	-	-	Wausau.
Sleight, R.,	-	-	Ashland.
Sloan, A. Scott,*	-	-	Beaver Dam.
Sloan, I. C.,*	-	-	Janesville.
Sloan, Henry S.,	-	-	Edgerton.
Smelker, J. P.,	-	-	Dodgeville.
Smith, A. A. L.,	-	-	Milwaukee.
Smith, A. Hyatt,*	-	-	Janesville.
Smith, E. P.,*	-	-	Milwaukee.
Smith, George B.,*	-	-	Madison.
Smith, Harley F.,†	-	-	Defavan.
Smith, J. B.,	-	-	Madison.

Smith, J. M.,	-	-	-	Mineral Point.
Smith, O. C.,	-	-	-	Dodgeville.
Smith, Samuel M.,	-	-	-	Janesville.
Smith, Rufus B.,	-	-	-	Madison.
Smith, Winfield,*	-	-	-	Milwaukee.
Smith, W. La Fayette,*	-	-	-	Madison.
Smith, W. M.,	-	-	-	Janesville.
Spence, T. W.,	-	-	-	Milwaukee.
Spencer, James R.,	-	-	-	Waukesha.
Spensley, Calvert,	-	-	-	Mineral Point.
Spensley, C. F.,	-	-	-	Madison.
Spilde, Hans.,†	-	-	-	Madison.
Spooner, Chas. P.,	-	-	-	Milwaukee.
Spooner, John C.,	-	-	-	Madison.
Spooner, P. L.,*	-	-	-	Madison.
Spooner, R. C.,†	-	-	-	Chicago.
Stahl, John	-	-	-	Boscobel.
Stark, Joshua	-	-	-	Milwaukee.
Steele, W. M.,	-	-	-	West Superior.
Stevens, Breese J.,	-	-	-	Madison.
Stevens, E. Ray,	-	-	-	Madison.
Stevens, G. W.,	-	-	-	Columbus.
Stockwell, T. J.,†	-	-	-	Darlington.
Stone, James A.,	-	-	-	Reedsburg.
Strong Moses M.,*	-	-	-	Mineral Point.
Stroud, W. S.,	-	-	-	Portage.
Sturdevant, L. M.,	-	-	-	Neillsville.
Sumner, D. H.,	-	-	-	Waukesha.
Sumner, Mrs. Tessie M.,	-	-	-	Waukesha.
Sutherland, George E.,*	-	-	-	Milwaukee
Sutherland, George G.,	-	-	-	Janesville.
Sylvester, George	-	-	-	Milwaukee.
Tarrant, W. D.,	-	-	-	Milwaukee.

Tattershall, R.,*	-	-	Beloit.
Taylor, Charles S.,	-	-	Barron.
Taylor, David,*	-	-	Fond du Lac.
Taylor, James B.,*	-	-	Portage.
Teall, George C.,	-	-	Eau Claire.
Tenney, C. H.,	-	-	Madison,
Tenney, D. K.,	-	-	Madison.
Thomas, John E.,	-	-	Sheboygan Falls.
Thomas, O. B.,	-	-	Prairie du Chien.
Ticknor, John C.,	-	-	Menomonie.
Tillinghast, C. D.,	-	-	Bloomer.
Timlin, William H.,	-	-	Milwaukee.
Todd, S. J.,	-	-	Beloit.
Tomkins, W. M.,	-	-	Ashland.
Towne, John P.,	-	-	Edgerton.
Tracy, John J.,†	-	-	Crossville, Tenn.
Tripp, J. S.,	-	-	Sauk City.
Trottman, J. F.,	-	-	Milwaukee.
Turner, H. G.,*	-	-	Milwaukee.
Turner, John,	-	-	Mauston.
Turner, Jas. H.,	-	-	Milwaukee.
Turner, W. J.,	-	-	Milwaukee.
Turner, W. W. D.,	-	-	Ripon.
Tyler, Thomas B.,*	-	-	Sparta.
Ungent, Alfred A.	-	-	Chilton.
Upham, H. A. J.,	-	-	Milwaukee.
Van Dyke, George D.,	-	-	Milwaukee.
Van Dyke, William D.,	-	-	Milwaukee.
Van Valkenburgh, Frank B.,	-	-	Milwaukee.
Veeder, F. S.,	-	-	Mauston.
Vernon, R. C.,	-	-	Madison.
Viele, L. F. S.,	-	-	Prairie du Chien.
Vilas, Edward P.,	-	-	Milwaukee.

Vilas, Levi M.,*	-	-	St. Paul.
Vilas, William F.,	-	-	Madison.
Vroman, Charles E.,†	-	-	Chicago, Ill.,
Wahl, George H.,	-	-	Milwaukee.
Walker, W. A.,	-	-	Milwaukee.
Wall, John A.,*	-	-	Milwaukee.
Warner, Ernest N.,	-	-	Madison.
Warner, W. S.,	-	-	Appleton.
Watkins, R. A.,	-	-	Lancaster.
Watson, S. H.,	-	-	Lodi.
Webb, Charles M.,	-	-	Grand Rapids.
Webster, Daniel,	-	-	Prairie du Chien.
Wegg, D. S.,†	-	-	Milwaukee.
Weeks, T. D.,	-	-	Whitewater.
Weil, Paul A.,	-	-	West Bend.
West, Geo. A.,	-	-	Milwaukee.
Weissert A. G.,	-	-	Milwaukee.
Wheeler, N. W.,*	-	-	Baraboo.
Wheeler, William G.,	-	-	Janesville.
Whelan, C. E.,	-	-	Madison.
White, James S.,	-	-	Milwaukee.
Whitehead, John M.,	-	-	Janesville.
Widvey, T. J.,	-	-	La Crosse.
Wight, William Ward,	-	-	Milwaukee.
Wight, O. W.,†	-	-	Milwaukee.
Williams, George L.,	-	-	Milwaukee.
Williams, John K.,*	-	-	Shullsburg.
Williams, O. T.,	-	-	Milwaukee.
Williams, W. C.,*	-	-	Milwaukee.
Wilkinson, R. A.,	-	-	Wonewoc.
Wilson, Alexander,*	-	-	Mineral Point.
Wilson, John D.,*	-	-	Boscobel.
Winans, John,	-	-	Janesville.

Wing, M. P.,*	-	-	-	LaCrosse.
Winkler, Fred C.,	-	-	-	Milwaukee.
Winsor, F.	-	-	-	Mauston.
Woodbury, Milo	-	-	-	Tomahawk.
Wootton, Frank M.,	-	-	-	Madison.
Wright, J. E.,	-	-	-	Baraboo.
Wright, A. F.,	-	-	-	Ashland.

APPENDIX.

ADDRESS OF GEN. E. E. BRYANT.

PRESIDENT OF THE ASSOCIATION.

I congratulate you, brethren of the Association, upon the interest now taken in its welfare. Organizations of this kind can be made useful in many ways. The fact that most of the states now have them, that many counties maintain them, and that their proceedings are read with lively interest attest their utility. They tend to higher professional standards. They draw the lawyer from his cases and his studies, intense as they are in special lines, to consider the state of the law as a whole, to note its tendencies, to observe its defects, and suggest improvement; to consider the welfare and honor of the profession as a body and to unify and give practical force to its influence. They cultivate friendly relations as a rule so strong and kindly among lawyers. They encourage a just and generous remembrance of those worthies of our profession constantly disappearing in the order of nature, from our midst. They may be made the guards at the door of the profession, to keep out the unworthy and unfit; and they foster a spirit to keep our body pure and its aims high. The lawyers are few who do not appreciate the well-done work of such societies.

We stand at a point near the dividing line between two centuries. The one drawing to its close has been eventful beyond all that have past, view it as we

may. In the progress of civilization, in the advancement of the arts and sciences, it almost bewilders thought. In the upbuilding of this great nation on principles of justice and liberty, with a system of jurisprudence so benign, it will be the wonder of the ages. Here are gathered and preserved in our institutions and our laws the rich fruition of centuries of endeavor. Here is that freedom regulated by law, which brave men and great have fought, pleaded, spent blood and strength, and faced death to achieve in the centuries past. Here we have that religious liberty, to secure which myriads of martyrs have died upon the rack or sung their anthems amid the flames. As was said by one of the masters in our profession, "Our fathers meant to secure the blessings of liberty to themselves and their posterity. They determined that not one drop of blood shed on the other side of the Atlantic during seven centuries of contest with arbitrary power, should sink into the ground; but that the fruits of every popular victory should be garnered up in this new government. Of all the great rights already won, they threw not an atom away. They went over Magna Charta, the Petition of Right, the Bill of Rights and the rules of the common law, and whatever was found there to favor individual liberty, they carefully inserted in their own system, improved by clearer expression, strengthened by heavier sanctions, and extended by more universal application. They put all these provisions in their organic law."

And our great body of private law. How came we by this "codeless myriads of precedents, that wilderness of single instances," that make up our case law?

It came because the struggle for law is a warfare. "Every principle which obtains has been gained by strife." It came because some one has stood for his rights, spent time and money, foreborne more gainful occupations and suffered disturbance of his repose rather than yield up a right.

The traveling world laughed at the English tourist who broke up his itinerary, spent days in an uncongenial Austrian village, and expended forty times the amount he refused to pay, to prosecute to the end of the law a hackman who sought to extort a few shillings from him. His sturdy obstinacy for his rights amused others but Dr. Von Ihering, the great German jurist, said, "In the few shillings the man here defends old England lives." Place an Austrian, place most people of the same social position and means in place of the Englishman, they would shun a disagreeable controversy and they would pay and pass on. But in the few pieces of silver which the Englishman refuses and the Austrian pays there lie centuries of the political development and social life of the two countries." England is free because of this jealous tenacity for individual rights. Austria is what she is because it is easier to waive personal rights than to struggle to maintain them. To this sturdy spirit, call it litigious, if you will, condemn it as most do, we owe the fact that our law, in its comprehensiveness and adaptation to all the concerns of life, comes so near the perfection of human justice.

We of the present day in America are like the rich heirs into whose laps the fruit of the labors of others

have fallen in great abundance and without toil on their part. We fail to appreciate the value of our inheritance, and like the rich heir we are not heedful to guard all our treasures. We submit to intrusions of our rights, we tolerate cheating, submit to small extortion, to the misrule of unworthy officials with the careless nonchalance of the inheritor of wealth, who lets his valet steal and his steward embezzle, rather than suffer trouble, knowing that he has wealth enough left. A wise lawyer of an earlier generation once said: "A nation may unaware lose its liberties in a day and not miss them until long afterwards." That we should be on guard, jealous of every doubtful innovation, watchful of every tendency awry, is but the trite admonition of our fathers.

I shall venture to speak this evening of *law reform*. Not so much those general changes that have come or must come in the evolution of society by general political organization as those which more immediately affect our profession and its labors. I am aware that this is a delicate subject and always likely to run counter to the conservatism which is one of the notable peculiarities of our profession. De Tocqueville wisely said that "men who have devoted themselves to legal pursuits derive from those occupations certain habits of order, a taste for formalities and a kind of instinctive regard for the regular connection of ideas, which naturally render them very hostile to the revolutionary spirit and the unreflecting passions of the multitude." The present Chief Justice of Massachusetts recently said of his brethren: "Judges commonly are elderly men and

are more likely to hate at sight, any analysis to which they are not accustomed, and which disturbs repose of mind, than to fall in love with novelties."

But for all this, conservative though we are, distrustful of sciolists and change, the profession has for the most part furnished its own reformers; and in the van of every movement for justice and popular freedom its members have been found.

And though conservatism of the lawyers is so necessary a counterpoise against the fickleness of general judgment, yet in the century past salutary reforms have come, many proofs that law is not, as Blackstone seemed to think, something that had always existed, unchangeable from the morning of time and *declared* by the judges when a case arose that required its application. Far wiser was Burke's comment: "The truth is that our laws like our language and our learning is a very mixed and heterogeneous mass; in some respects our own; in more, borrowed from the policy of other nations, and compounded and altered and variously modified according to the various necessities, which the manners, the religion and the commerce of the people have at various times imposed." Far more accurate was the observation of an eminent and philosophical American writer, who, speaking of our law evolved from judicial decisions says: "It is steadily improving, yielding continually to the influence of equitable ideas, reflecting the contemporaneous civilization, keeping step with the national wants, aiding the national advance and everywhere infused with the ethnic life of the people." This is true of our common law, especially true of our legislation.

If we glance back a century, and mark the changes that have taken place in the laws substantive and remedial, we may well marvel. Let us see. Within the last century—we need not go back so far—imprisonment for debt was deemed indispensable to remedial justice. The cruel maxim of the law was “*qui non habet in crumena, luat in corpore.*” (Let him who has nothing in his purse pay in person.) Of the horrors of the debtor’s prison, we now read in novels with a shudder. “No crime known to the law,” says Chief Justice Shaw, “brought so many to jails and prisons as the crime of debt.” It is history, that in New York City in 1809, 1,300 men were imprisoned for no other crime than being ruined by the “embargo.” The following year 1,150 were imprisoned for debts each in amount less than twenty-five dollars, and as their clothing rotted in the damp dungeons, they were clothed by the humane society. But nearly every constitution, certainly every state statute forbids it now, where fraud or fiduciary treachery adds no element of turpitude to the obligation. America led the way in this reform, not adopted in full in England till 1869,—the Mother country borrowing from America the humanity of the law.

It was for centuries one of the glories of the English law that Magna Charta exempted from amercement or fine for small offenses the wainage of the villein or his team and implements of husbandry, for otherwise, says Coke “the miserable creature was to carry his burden upon his back.” Compare this with the liberal exemption laws now made universal, where our institutions obtain which leave to the un-

fortunate debtor his home, his land in reasonable quantity, his food supply and the implements by which he pursues his avocation. And for the most part this exemption is not left to the variable moods of legislators but is part of constitutional guaranty of right.

The republic of Texas, in 1846, passed the first homestead exemption law and Vermont followed in 1849. Soon the passage of some law of this sort became the fashion of state legislatures; and the great homestead act giving to the actual settler a home in fee put to shame the land laws of the parent country.

The opening of the 19th century was marked by a movement for amelioration of factory laws, as to the employment of children. An agitation led to an act of Parliament in 1801. Commissions and committees investigated. It was proven that of 4,000 who entered the factories under 30 years of age only 600 lived past that age and continued in the mills. They had either died or became wrecks in health and paupers. Avarice incorporate fought against humanity and not till 1819 was a law passed limiting hours of labor to seventy-two a week. Not till 1833 were laws passed limiting the hours of labor of children under 16 years to forty-eight per week, with other provisions to secure sanitary conditions and schooling to these infant slaves of the mills. In this country necessity for these laws came later, but they now testify to higher humanity, in the statutes of most of our states.

A great change has been wrought in the last century in the law of judicial evidence. Bentham began

the assault upon the old rules that excluded persons from giving testimony on the ground of pecuniary interest. For years he received only the sneers of lawyers. But he had set men thinking. In 1843 Lord Dedman's Act removed in part the common-law disqualification, and Lord Broughman's Acts of 1846 and 1851 made parties in civil actions competent and compellable to testify. Judge Dillon well observes that "he speaks the universal judgment of the profession, when he says that a more beneficial change in the administration of the law has rarely taken place."

If we may mention the minor points in which the law has changed, it may be told that the trial by battle was held legal in England in 1818, and abolished by statute that year.

The mitigation of the criminal laws taking out the long series of petty offenses from the list of capital crimes is one of the reforms of the century. From the Restoration of the Stuarts to the death of George III, a period of 160 years, 187 crimes had been made punishable by death. Murder became in the eye of the law no greater crime than stealing a pewter pot.

But thanks to Rosnilly, who began the agitation for reform, such is no longer the condition of penal law. He died in 1818, but in 1819, a commission was named which reported 200 offenses punishable by death on the statute books. In 1837, a measure to limit the punishment of death to treason and murder was lost by one vote. From 1810 to 1845, there were 1,400 persons executed for crimes which have since ceased to be capital. As late as the reign of George III, petty offenses against property, such as cutting

down a tree, or robbing a rabbit warren were punishable with death. Since the statute of 1861, but four crimes are now expiated by the life of the criminal.

The provision in American constitutions that the accused shall have the right to be heard by counsel, was regarded in England as a dangerous innovation. Attempts were made to introduce it into English law in the last years of the 18th century, but not till 1836 after over forty years of struggle, and a bitter fight, was this humane privilege forced through Parliament.

And as another evidence of the innovative spirit of the century, it may be noted that, in its second quarter, the young progressive territory of Michigan enacted a law, benignly to operate on the then wilds of Wisconsin that thereafter should be no prosecutions for witchcraft, sorcery, or enchantment.

The century has been marked by the application of legal principles to new conditions, unknown, undreamed of in the olden times. Our systems and method of transportation of persons and merchandise, and our communication of thought, in which cold matter of fact, science and invention have gone beyond the dreams of oriental imagination, have thrown vast labor upon the jurists. No lawyer now thinks he has a working library without a hundred or two volumes of railway cases, and a four-volume text book on the subject of railway law. The cases relating to telegraphy and other appliances of electricity are fast multiplying. Text books on that subject are appearing on the shelves; and in England

an elaborate Code of that branch of law has recently been enacted.

Another great change is the product of the closing century. The Anglo-Saxon showed for unnumbered generations his Aryan origin in the treatment of his wife. She was his, and all that she had was his. She was regarded

"As something better than his dog,
A little dearer than his horse."

But enlightenment coming from chivalry, from higher civilization, from christian thinking, wrought the change first by equitable doctrine and then by legislation, so that her property rights are not distinct from his; and as to those she stands as a *feme sole* in the eyes of the law. The contemptible avocation of the matrimonial fortune hunter is now pretty much remitted to the degenerate stock of foreign counts and earls seeking wives and replenishment of exchequer, among the daughters of American millionaires.

Greater than all these achievements of the century thus briefly mentioned stands out the work of the peerless Marshall and the court over which he presided and whose master spirit he was from 1801 to 1835. We revere the framers of our Constitution. We laud the resisted nullification. We hold Lincoln in our hearts with a feeling that is a blending of gratitude, affection, reverence and pride — a feeling which this day anniversary of his birth, quickens in every American breast. That feeling will find fitting expression in our following exercises at this meeting. But John Marshall upheld the Constitution against nullification from every quarter. His decisions with-

stood the assaults of every state. They put down a score or more of judicial and legislative rebellions. They established the supremacy of the Union, its right to the powers essential to its life, which in some form of attack had been assailed from every state, north and south. They enforced the constitutional restrictions upon the powers of the states, resisted presumptuous efforts to defy the general government, to enact bills of credit, to pass *ex post facto* laws, to cripple federal authority, to impair obligations of contracts, to tax national agencies, to hamper commerce and to defy the lawful decrees of the federal courts. Abating not jot or tittle of veneration for other heroes and defenders of the Union, as lawyers we must realize the sturdy patriotism and high courage of that great leader who defended the Constitution against assaulting forces at every bastion and every gate, and saved the Union when state action, legislative or judicial, would have made it but a rope of sand.

But in the *law of procedure* the century has been marked by changes radical and *almost revolutionary*. Pleadings, a hundred years ago, were in what one eminent Chief Justice of England spoke of as "a disgraced state." As Sir Matthew Hale remarked, long before, they had degenerated from their primitive simplicity, and were "somewhat too curious," involved and prolix and resulted often in the miscarriage of justice. The act of William IV followed by the Hilary Term Rules rectified some departures that had crept in. But by the adoption of the Code of Procedure in New York in 1848, a jog was given to even English conservatism. In 1852, the common-

law practice in England was overhauled by an act of Parliament, in which many provisions were evidently suggested by the New York Code. In the same year, the practice in the Court of Chancery was so remodeled that an Illinois practitioner of today, or a well-versed solicitor in our federal courts of equity would be so bewildered and lost as to think himself on another planet. These changes, however, were not radical. The main framework of the old systems were retained. But the appetite for change grows by what it feeds on. When the English began to cuff about and tip over time-honored things, and lost reverence for old formalities, the way was open for more radical changes.

In 1873, the grand bonleversement came. The great judiciary act of 1873, in one be-it-enacted, swept a vast mass of technical learning into the rubbish heap of obsolete things. Recasting the courts into a high court of justice, with chancery, Queen's bench, common pleas, probate, divorce, admiralty, and bankruptcy divisions, it gave to every judge sitting alone the functions of this high court, the jurisdiction to give legal or equitable relief to plaintiffs, or benefit of equitable defenses or cross-claims to defendant. It borrowed from the New York code of procedure many of its features such as commencing all actions or suits by one summons, joinder of parties, tolerance of misjoinder or non-joinder, uniting of causes, summary proceedings for discovery, and inspection of documents in possession of adverse parties, etc. It struck away the system of pleading which had been the peculiar glory of English attorneys and special pleaders for centuries. The declaration in the

different forms adapted to common-law classification of actions were all supplanted by a statement of the plaintiff's cause, and all prolixity was at peril of costs, instead as before to the swelling of fees. The repetitions, tautology and cumulation of synonymous words, so dear to the old draftsman, and which made the style of pleadings, in a literary sense, a mass of confusing and barbarous jargon, were all denounced as not only needless, but a positive encumbering of record to be purged with penalty. The defendant might demur or make a statement of his defense, set off or counterclaim. And so obsolete have the old forms become, that when Lord Coleridge, Chief Justice of England was visiting this country he spoke in derision of the old system of pleading in this vein: "Could it not be arranged" said he, "that with the sanction of the state, some corner in one state might be set apart, as a kind of pleading park in which the glories of the *negative pregnant*, *absque hoc*, *replication de injuria*, *rebutter* and *surrebutter*, and all the other weird and fanciful productions of the pleaders brain might be preserved for future ages to gratify the respectful curiosity of your descendants, and that our good old English judges, if ever they 'revisit the glimpses of the moon' might have some place where their weary souls might still find the form preferred to the substance, the statement to the thing stated." He little thought at the time that he was hitting with a hard rap some of our American states which still cling to the old methods that were lopped off, in England, by the Hilary Rules of 1834, uprooted in 1852, and ground cleared for an entirely new system in 1873.

The New York Code of Procedure came to the demand of the people of that state in her constitution of 1846, in which they abolished the court of chancery as a separate tribunal, and provided for a simplification of the practice and proceedings in courts of justice.

The Code was born into a stormy world. The bar took unkindly to it, and the bench for a time regarded it much as the mother of the household looks upon an illegitimate child of base blood adopted into the family. Innumerable questions were raised under it, and volumes of reports of mere practice decisions multiplied in the few years after it went into effect. Who ever has waded through that quagmire of judicial mud, the early Code decisions in New York cannot fail to observe that most of the litigation which arose on mere points of pleading and practice could have been avoided if the lawyers had studied the code with more care and the judges had taken more kindly to it. One trouble in New York was that the great mass of lawyers of that day, accustomed to follow set formulas knew less of the principles of good pleading than they ought. Had they been better common-law pleaders they would sooner have made good code practitioners. They did not, as well as they might, distinguish between substance and form. Many of the able lawyers at the New York bar ridiculed the Code. Charles O'Connor said it was a system of pleading which stated the cause of the action as an old woman would tell it, and then added as exhibits any documents that might be supposed to bear upon the case. Even old Judge Grier of the Supreme Court of the United

States lamented that "a system matured by the wisdom of ages, founded on principles of truth and sound reason should have been ruthlessly abolished and in its place rashly substituted the suggestions of sciolists who invent new codes and systems of pleading to order." I remember the lugubrious dolor of one old-school Wisconsin lawyer whose grudge against the Code was that it had uprooted an orchard of technical learning which he had planted in his youth, watered by twenty-five years of study to bring it to good bearing. "I am, now," said he "but a green student on a level with every tyro at the bar, so far as matters of practice are concerned."

The Code came in its original form, substantially, to Wisconsin, adopted in 1856 to go into force in 1857. There were then at the bar, or soon to come to it, many able young men, eager and enthusiastic in professional work. There were Hopkins, Cassoday, Pinney, Vilas, Jenkun, Winkles, Bragg, Orton of Lafayette, Sleeper, Whiton, the two Sloans, Taylor, Dyer, Stevens, Lewis, the Tenneys, Miller, Jackson, Carter, Lynde and many others now well-known and honored representatives of the bar in the early Code days in Wisconsin. They addressed themselves with ardor to master the new procedure and settle the practice under it rather than to alter it. Here it has been changed from its original form less than in any state. And one who has run over the volumes of reports for the few years following its adoption will be surprised at the comparatively few decisions turning on mere Code procedure. As Code authority every court and every text-writer recognizes the value of the decisions of this state. I received a letter a few

days since from a law writer of repute and a teacher of law in Ann Harbor, enclosing a book of selected cases upon remedial law. He apologized in his letter for so frequently giving Wisconsin cases, saying that it was not intentional, but happened solely from his desire to present the best illustrative cases.

But though pecked at by the jays of the bar and torn by some of the eagles of both bar and bench, the code has maintained its flight. It is, in substance, today, the law of procedure in more than half the states of the Union; and in the practice acts of those states that still adhere, as they think, to the common-law system, much of the code has been interwoven. And no state that has adopted the code, in whole or in part, has ever shown a desire to return to the ancient methods.

One thing, however, is to be regretted. The states which borrowed from New York the reformed procedure were not all content to take it verbatim. Their legislators or judiciary committees, seemed to display the common vanity of desiring to phrase it to suit themselves, to disguise the borrowed ideas in a dress of their own. Thus many local peculiarities mostly unessential, largely finical, were written in to prevent uniformity and deprive us of the benefit of all the courts throwing the light of their interpretation upon the same statute with the same surface of words. There are now no less than three distinct types of codes, and all more or less speckled with differences of a needless character. New York, worst of all, has spoiled hers by an elaboration and refinemement altogether needless.

If we turn to the future, what will the next century

bring forth? That changes will come, some of them radical and fundamental we may well take for granted. "It is not for man that walketh to direct his steps." We can not foresee. It gratifies egotism to think we have reached the ultimathule of human progress and can drive stakes on the boundaries of the finite. But true students of science are aware that but a small part of the knowable is yet explored. The wise jurist does not claim that our attempts to attain justice have yet reached the point where man's judgment and the eternal right are in harmony. We cannot provide for the future nor fasten it down by a *stare decisis*. Some of the traditions now reverently cherished may share the fate of the law against witchcraft. Some of our most firmly established doctrines may melt away under the rays of future opinion as the iceberg disappears when it floats into lower latitudes, and as the old Aryan idea that the wife was a sort of chattel has passed away. Already there are premonitions of question. Strong thinkers tell us that our law of evidence, as now understood and applied has many errors and incongruities; that it is out of touch with the substantive law. Political economists are inveighing against our laws of contracts. Philanthropists and criminologists are finding fault with our penal laws; and socialism in its various phases is threatening much modification of property rights. The advocates of the police power of society are pushing the idea that the state more than the parent owns the child and should control its destiny. A new school of interpretation is coming on, which holds that written laws and constitutions must be construed, less by the old canons than

by the prevailing sense of right, or of what they ought to be. Already, we are told that the "higher law" is but that of racial superiority, and that the "moral law" which forms the substratum of our ideas of justice rests more upon "racial tendency" than upon that natural law proclaimed of old. "Deal justly, harm nobody and give to every man his due." Despite all our conservatism, changes are likely to come; and many a venerated doctrine of today may be the laughing-stock of the bar of A. D., 2000. Our only comfort is that they will not all come at once nor in our day.

There is one phase of our law at the present time that gives the thoughtful professional man much concern,—the rapid increase of our case law and the multiplication of law reports and digests. Gibbon says that before Justinian's code and Pandect's had been written, "the infinite variety of laws and legal opinions had filled many thousand volumes which no fortune could purchase and no capacity could digest. But the condition then was tolerable compared to that of the present. Tribonian and his associates went over some 2,000 volumes. Now the English and American reports are between eight and ten thousand and multiplying at a constantly accelerating rate. A Roman lawyer complained that the books of the law, in his time, were a load of many camels. He would have said of our law that it was the load of many cars. A well equipped law library needs close upon ten thousand volumes. Bacon and Coke complained in their day that there were some sixty volumes of reports and statutes and that the condition was deplorable. Wisconsin can more than

double that library with her legislative and judicial work of half a century.

And what is the remedy? Must this go on till the law office is a large warehouse where the books are to occupy the principle space? Various have been the suggestions. "Cut down the cases to be reported," say some. "Do not report cases unless they involve some new principle or old principle applied in a novel way." This would not be done, if left to the judges, and it would not be wise for the legislature to interfere. "Urge upon judges to write shorter opinions," say others. I fear they do not have time; as Daniel Webster used to say he made a long argument when he had no time for preparation by which he could arrange his ideas to make a short one. "Abandon the rule of following precedents," say the radicals. Judge Dillon thinks favorably of this plan. But it means a making over of the lawyer's mind. It will be long before this peculiarity of our jurisprudence is abandoned.

Another suggestion is codification. There are stout opponents of this idea, and for half a century the dispute has been waged. The best of the argument seems to be with those who contend codification will neither prevent case law in the future nor relieve us from searching the past; that it will not clarify the law but open the way for endless interpretation of the codes and make the law rigid where it should be flexible. No man, nor a body of men working together, have as yet been found who could in a code restate our entire body of private law. Scientific jurists could suggest some good ideas as to classifica-

tion and arrangement but practical lawyers only could well do the work of many years. Codification of the complete body of law is far, very far in the future. But, think as we may, there is at present a decided trend toward a piecemeal codifying of our law. When Macaulay went out to India in 1834, to write laws for those people he produced in 1838 a short concise draft of a penal code. It was such a departure from anything an English lawyer had ever seen that it was eyed askance for twenty-two years. It was then sightly revised by Sir Barnes Peacock, and adopted. The result was a code that embodied in brief and even beautiful forms of expression the substance of the law of England on the subject of crimes, much mitigated. It has been said that this code contained ten times the matter in one-tenth the space given in the treatise of Russell on crimes. As a body of law adapted to that people it has stood the test so well, that the foremost of English jurists are strongly in favor of codification. It so far silenced the opposition in England that several important strides have there been made. Prior to 1882, Chalmers produced his Digest of the Law Merchant. It seemed such an admirable presentment that he was requested to bring forward a bill giving it as a code. Parliament adopted the "Bill of Exchange Act," as it is cited in 1882, which still remains the English law on the subject. As a clear, plain, orderly statement of what was the case-law on the subject with doubtful points settled, it is so successful that a movement for its adoption by the merchantile nations is under way. The act of Wisconsin of 1899 is, in substance the same act though differing in arrangement; but

borrowing from it much of language, rule and definition.

In 1890, "the Partnership Act" went through Parliament. It may be said to contain the essence of the case-law of England and former statute law on that subject; and is so plain and clear that a layman can easily understand it.

In 1893, the "Sales of Goods Act" was passed, in which is boiled down into orderly analysis and lucid statement the body of English law on the subject of sales of personalty.

We are much in the habit of borrowing good statutes from England or perhaps of swapping reforms, and it is not unlikely that these steps in codification of subjects will be followed in American states.

There are a few suggestions of amendment of our law, that to me seem practicable and desirable:

1. We can gain by the united effort of the profession a simple, direct, uniform system of procedure in the federal courts. As it now is, the federal practice is a stumbling block. Matt. Carpenter's Act of 1875 made the practice in common-law actions a sort of chameleon taking the color of the local environment. A code could be written making that practice simple, and uniform in all courts.

2. The practice in the several states of the Union, some of it code, some of it common-law, modernized and speckled with code hues, is now so near alike that there is no good reason why it should not be quite alike. State lines now limit no able lawyer's practice. There ought to be a uniform procedure. They all give the same remedies substantially; and all are given in methods so similar that the difference

is more of form than substance. When we reflect that so large a part of the lawyer's perplexities and so many of his mistakes grow out of missteps in practice; when we reflect that there is nothing sacred in practice except its fundamental principles; that practice is but the tools of the lawyer's trade, why not co-operate together in England and America to have a practice cast in the same mould, so that the light of jurisprudence may everywhere shine for all. Whoever has read the best state codes and the practice of many of our states can see how practicable it is now to write a code of pleading and practice which shall in the same words be the rule in England and America, India and Australia.

3. Along another line, I see much chance for improvement in the structure of our statute law. Take up an English statute of two hundred years ago. It is framed in that style of verbosity and tautology, of involved sentences that we find nowhere else save in the dismal pleadings of the worst age. Take up a modern statute scientifically constructed. Compare them for clarity and brevity. The American statute writers cling too fondly to the old way. Our statute writers, federal and state, pay too little attention to the framing of the statute with reference to clearness and brevity. Every where there is complaint of the dysnomy of our times, if we may recall an obsolete word to signify slipshod legislation. The lawyers should make common cause and common war against loosely drawn half-thought-out statutes, which make the law, which all are presumed to know, so unintelligible and incomprehensible that trained minds

in legal study find them slow to be read and hard to understand.

I do not speak of the changes that may or ought to come through general political agitation. Those will be taken care of. But the student of history and of the development of law, will note that most of the great changes of the last century have been the work of a few minds and not the result of general popular discussion. The historians of England and America make no mention of many laws which the lawyer regards as silent revolutions. A few earnest lawyers of public spirit have worked out most of these reforms without political agitation or party alignment. And so it will be in the future. There will be Cokes without his pedantry, Bacons without his meanness, Hales and Mansfields with clearer vision, Livingstons and Fields seeing farther; and there will ever be the wisdom and care of our profession working and watching that the path to justice be straightened and well-lighted all the way.

ABRAHAM LINCOLN AS A LAWYER.

BY GEORGE R. PECK OF CHICAGO.

It is natural that the American bar should be proud to count Abraham Lincoln in its list of members. You have asked me to write of him as a lawyer, though of course, you are not unmindful that his universal fame has swallowed up the reputation he earned as one of our profession. Indeed, we know only too well that lawyers, merely as such, are soon forgotten. The memories of men gather up for long keeping, not what solicitors and counsel do, but the words and deeds of those who deal with greater issues. Collectively, in a country like ours, the bar is a potent force. It is a factor,—one of the greatest factors, I think,—in the never-ceasing evolution and development of institutions and systems, which in the course of time establish the permanent and enduring in National life and character. We plume ourselves too much, perhaps, on our individual importance as conservators of justice and peace, though undoubtedly we do count for something in the determination of public and private controversies and, after our fashion, help to uphold the sanctions of human rights which are written in constitutions and statutes, or imbedded in the immemorial doctrines of the law.

Abraham Lincoln, was, I think, the greatest man of his century, and one of the greatest of all the centuries. But it is not as a lawyer that he will be

remembered. If his life had been given only to his practice in Sangamon and the neighboring counties, with an occasional professional journey to some not far distant place, he would now be forgotten by all except the legal profession, and remembered by few of them. It is not a pleasant thought, but we may as well recognize the palpable truth, that lawyers are not the men who are kept in mind after they cease to babble. Our work is not of the kind that is told in fireside stories or that is sung in the ballads of the people from generation to generation. Even great judges are soon forgotten. We have all read Campbell's *Lives of the Lord Chancellors*, but not one of us, I venture to say, can name them. It would trouble any of us to repeat the short list of Chief Justices of the United States in their chronological order, and give the length of their respective terms of service. Abraham Lincoln as a lawyer, was eminently respectable, and might have been in the first rank if only he had believed that to be a lawyer was the destiny to which he was called. Some men are only fit to be lawyers; but there never was a man of the first class who could not be more if the opportunity came. It did come to him, and he stepped from his law office into the world's history.

How it all came about; why it was he and not another; what strange combination of opportunity and will made him the central figure of an era, we can not fathom. Plato who saw with such clear eyes into the depths of human phenomena, said in one of those sentences which are the delight of scholars, and the inspiration of thinkers: "The differences of men and actions and the endless irregular move

ments of human things, do not admit of any universal and simple rule."

Abraham Lincoln and his marvelous life illustrate this great truth. Simple rules cannot explain him, nor explain the transformation from his birth in a Kentucky cabin to the White House, and from friendless poverty to the highest station in the world. Considering what we know of him, we are forced back to what we do not know; to the mysterious realm of uncertainty and doubt. He was what he was, and the analysis ends there. In all his great career there was little that was dazzling and nothing that was meteoric. He began at the lowest and ended at the highest, and yet, his ascent was by the slow and patient steps of a man content to wait for rewards until they should come in their own good time. He was a practicing lawyer for twenty-three years, or from March, 1837, when he was licensed, to sometime in the spring of 1860, when he tried his last case. But there were many interruptions. For two years he was in congress and in the early part of his professional life, he served three terms in the Illinois legislature. There were other interruptions, not periodical, but constant, for he was always a politician. Year after year when the bugle sounded, he was out in the fight, dealing hard blows for his party and for his party's gospel. We are accustomed to believe that a lawyer can only be successful by giving to his profession his deepest fealty. But no one can read the story of Abraham Lincoln's life without seeing that with him, the law was never his first love. I do not believe he ever studied it as a scientific system, or felt the exquisite pleasure which comes to

some men when they are touched by what Lord Coke called "the gladsome light of jurisprudence." Doubtless he liked the law, and enjoyed its contests and its triumphs, but he was far happier when pointing out the advantages of a protective tariff, or denouncing the repeal of the Missouri compromise, or sounding in the ears of his countrymen that dread note of alarm "A house divided against itself can not stand."

His biographers tell us how frequently he utilized his spare time when out on the circuit, by addressing his fellow citizens "on the political issues of the day." If it seems strange to us that he could so blend law and politics without detriment to his professional work, it must be remembered, first, that he was a very different man from the average lawyer, and secondly, that practicing law at that time and in that locality was very different from what it is now in any locality. He had followed the frontier from Kentucky by way of Indiana to Illinois, and in the prime of his manhood was still an inhabitant of a comparatively sparsely settled region. He never outgrew the rustic simplicity that comes from contact with nature, and never lost the rugged strength that early toil puts into the brain and bone of him who has had its beneficent discipline. And this was surely a great advantage in a practice which consisted almost exclusively of jury trials. He knew far better than any of his rivals, how to reach the hearts of the average jury, and how to reach the mind and reason of the juror who was above the average.

Abraham Lincoln never drifted away from the moorings of a plain and homely common sense. His messages, his state papers, his speeches and his let-

ters are all laden with this great, rare quality, and no man, I think, since Shakespeare ever had the art, or rather the nature, to say so much in a single sentence. It is unfortunate that few, if any, of his legal arguments, either to court or jury, have been preserved except in fragments, resting mostly in the memory of his neighbors and of his associates at the bar. A few, alas! a rapidly diminishing few are left of those who knew him. Among them, the venerable Henry W. Blodgett, for many years Judge of the United States Court for the Northern District of Illinois, and now in his retirement, happy in the respect and affection of all, is perhaps as capable of expressing a just opinion of Lincoln's professional characteristics, as any one living. I asked him, only a few weeks ago, to tell me something about him as a lawyer, and he said: "He was a good, safe, careful and very successful lawyer, whose arguments were models of clear and convincing reasoning." I inquired, "What are the elements which were most prominent in his conduct of a law suit?" He answered, "His great success was the result, first, of his unrivalled clearness of statement, and secondly, of his absolute fairness and candor." He added, that whatever Lincoln stated to be the law and the facts, no court ever doubted that he honestly believed them to be so. Herndon says that Lincoln was a good lawyer in a good case, and a poor lawyer in a bad case. I wish there were more such lawyers. The concurrent testimony of his contemporaries is that it was hard to get him to take a case in which he did not believe his side to be the right one, and if he ever yielded to importunities to do so, a bad matter generally be-

came worse by his utter failure to make wrong seem **right**. This was, in the opinion of some, an intellectual defect, but I think it was much more a mark of his moral elevation, his devotion to truth and justice which he loved, both as a lawyer and as a man. Judge David Davis, who knew him so well said: "The framework of his mental and moral being was honesty, and a wrong cause was poorly defended by him. The ability which some eminent lawyers possess of explaining away the bad points of a cause by ingenious sophistry, was denied him."

We have all known lawyers, and able ones, who seem to take personal satisfaction in arguing the wrong side, and one I knew—in days gone by—with a mind of such keenness and subtlety that it flashed like burnished steel, who used to say that he preferred a cause which gave him the opportunity of advocating bad law, or of combatting facts which were palpably against him, for said he: "It is no credit to a lawyer to win when he is on the right side; any fool can do that." But Abraham Lincoln's mind and character were not of that order. Judge Drummond said of him: "Such was the transparent candor and integrity of his nature, that he could not well, or strongly argue a side of a cause that he thought wrong. Of course, he felt it his duty to say what could be said, and to leave the decision to others; but there could be seen in such cases the inward struggle of his own mind." Such praise as that, is a thousand times better than the encomiums which are often bestowed on lawyers who have no "inward struggles" so long as success and the fee are in sight. Many instances are related by Lincoln's biographers

of his positive refusal to take a case when he thought the side tendered to him was morally indefensible, or when he would be compelled to take a position as to the law which he knew was unsound. Nicolay and Hay declare that "On the wrong side he was always weak." And add: "He knew this himself, and avoided such cases when he could consistently with the rules of his profession."

Was Abraham Lincoln a learned lawyer? I do not think he was. By this I mean that he was not a student of the law in its historical and scientific aspects. It was his means of gaining a livelihood, and he always tried to make it a means of vindicating right and establishing justice. But his tastes did not lead him into the realm of philosophical jurisprudence. He adored Henry Clay, but I do not think he cared for Austin or Bentham or Beccaria. His mind was unerringly logical, and his faculties clear as ice. I imagine his forensic arguments were like his political ones, compact, convincing, inexorable. A pitiless analysis of his opponents position was his favorite method of proving it to be wrong, and when the analysis was completed, a single sentence would be the thunderbolt which should end the discussion. In his great Springfield speech before the convention which nominated him for senator against that other great Illinoisan, Stephen A. Douglas, he summed up the doctrine of Squatter Sovereignty in these words: "That if any man choose to enslave another, no third man shall be allowed to object." It would have taken me or any other common man many pages to say that, and yet he said it in sixteen simple words. This was his method; a method which no one taught

him and which can not be learned in books. How effective it was in his legal arguments is attested by the traditions which tell of his short, clear, but comprehensive statement of the law and the facts in the case he was presenting.

"The great secret of his power as an orator" wrote Leonard Swett in 1866, "lay in the clearness and perspicuity of his statements. When Mr. Lincoln had stated a case it was always more than half argued, and the point was more than half won. . . . The force of his logic was in conveying to the minds of others the same clear and thorough analysis he had in his own, and if his own mind failed to be satisfied he had little power to satisfy anybody else. He never made a sophistical argument in his life, and never could make one. I think he was of less real aid in trying a thoroughly bad case, than any man I was ever associated with. If he could not grasp the whole case, and believe in it, he was never inclined to touch it."

Such is the testimony of Leonard Swett, himself one of the great leaders of the Illinois bar. But Lincoln's inability to manage a bad case was not an evidence of intellectual weakness, but the proof of a moral strength so majestic in its proportions as to dominate and control his mental faculties.

Consider a little more fully the question of his professional learning, his knowledge of the origin and growth of legal principles and of the development of legal doctrines. They were not within the scope of his training, and I do not think he ever gave much time to them. His mind was not of the order that enriches itself by piling up the treasures which other

men have left after lives of study. I do not say he would not have been a better lawyer if he had, but I am simply describing him as he was. The case he had in hand at the given time was the case he studied and analyzed, until it was so plain to his own mind that he gave it to the court illumined as by the light of the sun. In a certain sense—but in a very broad sense—he was a case lawyer; that is to say, he relied a good deal on authorities and drove them home with unfailing tact and unerring skill. But it was not his method—indeed it could not be—to adorn his arguments with any show of profound learning. If the case involved the construction of a contract, I do not think he ever consumed time discussing the origin of contractual relations, or tracing the first steps which led our remote ancestors out of the savage condition in which might was law, until by slow degrees they came to recognize mutual rights and mutual obligations. Such investigations are very interesting and very useful to the philosophical student of our law, but Lincoln dealt with concrete questions, and the suit on trial was the matter that interested him most.

I am simply expressing my idea of Abraham Lincoln as a lawyer; let me give you his own idea of what a lawyer should be. I find in the collection of his "Speeches, Letters, State Papers and Miscellaneous Writings," edited by Nicolay and Hay, as a companion work to their great History, a fragment written in 1850, evidently intended for delivery before some law class or association of young lawyers. Nothing more characteristic of the man is to be found in the entire collection. While in it he does

not profess to reveal himself as a lawyer, it paints a picture of his ideal and offers such wise quaint and homely advice that I give it to you in full—not so much for the elder brethren of the bar, as for the younger ones who may not yet be past saving. Note the modesty of the opening sentence—the estimate of himself by himself. He says:

"I am not an accomplished lawyer. I find quite as much material for a lecture in those points wherein I have failed, as in those wherein I have been moderately successful. The leading rule for the lawyer, as for the man of every other calling, is diligence. Leave nothing for to-morrow which can be done to-day. Never let your correspondence fall behind. Whatever piece of business you have on hand, before stopping, do all the labor pertaining to it which can then be done. When you bring a common-law suit, if you have the facts for doing so, write the declaration at once. If a law point be involved, examine the books, and note the authority you rely on upon the declaration itself, where you are sure to find it when wanted. The same of defenses and pleas. In business not likely to be litigated,—ordinary collection cases, foreclosures, partitions, and the like—make all examinations of titles, and note them, and even draft orders and decrees in advance. This course has a triple advantage; it avoids omissions and neglect, saves your labor when once done, performs the labor out of court when you have leisure, rather than in court when you have not. Extemporaneous speaking should be practiced and cultivated. It is the lawyer's avenue to the public. However able and faithful he may be in other respects people are

slow to bring him business if he cannot make a speech. And yet there is not a more fatal error to young lawyers than relying too much on speech-making. If any one, upon his rare powers of speaking, shall claim an exemption from the drudgery of the law, his case is a failure in advance.

"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser—in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough.

"Never stir up litigation. A worse man can scarcely be found than one who does this. Who can be more nearly a fiend than he who habitually overhauls the register of deeds in search of defects in titles, whereon to stir up strife, and put money in his pocket? A moral tone ought to be infused into the profession which should drive such men out of it.

"The matter of fees is important, far beyond the mere question of bread and butter involved. Properly attended to, fuller justice is done to both lawyer and client. An exorbitant fee should never be claimed. As a general rule never take your whole fee in advance, nor any more than a small retainer. When fully paid beforehand, you are more than a common mortal if you can feel the same interest in the case as if something was still in prospect for you, as well as for your client. And when you lack interest in the case the job will very likely lack skill and diligence in the performance. Settle the amount of the fee and take a note in advance. Then you will feel that you are working for something, and

you are sure to do your work faithfully and well. Never sell a fee note—at least not before the consideration service is performed. It leads to negligence and dishonesty—negligence by losing interest in the case, and dishonesty in refusing to refund when you have allowed the consideration to fail.

“There is a vague popular belief that lawyers are necessarily dishonest. I say vague, because when we consider to what extent confidence and honors are reposed in and conferred upon lawyers by the people, it appears improbable that their impression of dishonesty is very distinct and vivid. Yet the impression is common, almost universal. Let no young man choosing the law for a calling for a moment yield to the popular belief—resolve to be honest at all events; and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do, in advance, consent to be a knave.”

There is Abraham Lincoln, revealed more truly than Shakespeare is revealed by those sonnets in which it is said he unlocked his heart. There is much in it about diligence and promptness, something about fees,—to which no good lawyer is ever indifferent,—but more about honesty, that old-fashioned virtue, which is not so rare as some people think, and which, I hope and believe, is less rare in our profession than anywhere else. I am not unmindful that mere talk about honesty is not decisive of any man's character in that respect, but the testimony is conclusive that Lincoln was clean and clear in all his

dealings with his clients and with his fellowmen.

Let us trace briefly his entrance into the legal profession, and his preparation for it. It was of the simplest and rudest kind. There was no Harvard law school for him, nor was there any law school whatever. I can not find that he ever studied in the office of a practitioner, or that he had the advantage afforded by building the fire and sweeping the office, such as some of us had. It is not known just when or where he began to study law. It mostly rests in tradition, some saying he read the statutes of Indiana before he left that state, and some that he beguiled the weary uncongenial hours while he was keeping a grocery in New Salem, Illinois, by reading Blackstone, which he had borrowed from his friend and comrade in the Black Hawk war, Major John T. Stuart, who afterward became his partner. There are accounts, more or less apochryphal, of his reading by the light of a backlog fire, or sprawled on the ground under the shade of a mighty oak; of his deep abstraction while his friends and neighbors were going on with their customary avocations, and other such legendary stories as always circulate about men who have been gathered into the high, select, immortal ranks of the world's great few. His first partnership was not for the practice of the law, but for conducting a grocery at New Salem, and the style of it was Berry & Lincoln. "Fortunately for Lincoln and for the world" says Nicolay and Hay, "the enterprise was not successful." They had a license to keep tavern, dated March 6, 1833. Even before this he had been in the Black Hawk war, and had been an unsuccessful candidate for the legislature.

Whether he studied the Indiana statutes or not, before he left that state, it is certain that during his experience as a grocer and tavern-keeper, he was reading law books, borrowed from Major Stuart. It seems like a dream, or like some fable fragrant of old romance. But the general truth of it is perfectly established. In this preliminary stage of his career, Lincoln was literally "everybody's friend," he was surveyor, election clerk, judge of horse races, wrestler with the boys from Clary's Grove, and finally postmaster, and all the time a student of the law under conditions which, today, would repel any ambitious youth from so desperate an undertaking. But few young men now are candidates for success on a platform of poverty, humiliation and patience. Nicolay and Hay in their account of this period say:

"He had already begun to read elementary books of law, borrowed from Major Stuart and other kindly acquaintances. Indeed, it is quite possible that Berry and Lincoln might have succeeded better in business if the junior member of the firm had not spent so much of his time reading Blackstone and Chitty in the shade of a great oak just outside the door, while the senior quietly fuddled himself within. Eye-witnesses still speak of the grotesque youth, habited in homespun tow, lying on his back with his feet on the trunk of the tree, and poring over his book by the hour, "grinding around with the shade" as it shifted from north to east. After his store, to use his own expression, had "winked out," he applied himself with more continuous energy to his reading, doing merely what odd jobs came to his hand to pay his current expenses, which were of course very

slight. He sometimes helped his friend Ellis in his store; sometimes went into the field and renewed his exploits as a farm-hand, which had gained him a traditional fame in Indiana; sometimes employed his clerkly hand in straightening up a neglected ledger. It is probable that he worked for his board oftener than for any other compensation, and his hearty friendliness and vivacity, as well as his industry in the field, made him a welcome guest in any farmhouse in the county. His strong arm was always at the disposal of the poor and needy; it is said of him, with a graphic variation of a well-known text, "that he visited the fatherless and the widow and chopped their wood."

What think you of such a school for a lawyer? But out of it came Abraham Lincoln, "not an accomplished lawyer" to use his own language, but a good lawyer, a safe lawyer and an honest lawyer. He removed to Springfield and became junior partner in the firm of Stuart and Lincoln, and in April 1837, at the age of twenty-eight, sailed out on the sea of professional life. Both partners were politicians, and while the relation continued, Stuart run for Congress and was elected. It would be hard to guess how much of young Lincoln's time was devoted to his practice and how much to the absorbing subject of Whig politics. They went hand in hand, but the right hand was politics. Lincoln kept the books of the firm, which, however were not very elaborate. He wrote a fine clear hand, but how he ever acquired it in such surroundings, no one can tell. Here is a page from the fee-book of the firm, every entry being in Lincoln's writing:

"E. C. Ross,	
To Stuart & Lincoln,	Dr.
1837-April. To attendance at trial of right of J. F. Davis property before Moffett.....	\$5 00
Mather, Lamb & Co.,	
To Stuart & Lincoln,	Dr.
1837-April. To attendance at trial of right of J. F. Davis' property before Moffet.....	\$5 00
Lucinda Mason,	
To Stuart & Lincoln	Dr.
1837-Oct. To obtaining assignment of dower.....	\$5 00
Wiley & Wood,	
To Stuart & Lincoln,	Dr.
1837-8. To defence of Chancery case of Eby.....	\$50 00
Credit by coat to Stuart.....	15 00
	<hr/>
	\$35 00
Peyton L. Harrison,	
To Stuart & Lincoln,	Dr.
1838-March. To case with Dickinson.....	\$10 00
Allen & Stone,	
To Stuart & Lincoln,	Dr.
1838-Oct. To case with Carter.....	\$2 50"

Such were his beginnings. No one foresaw the great destiny in store for him, and I doubt if any glimmer of it ever crossed his own mind until years after. Nicolay and Hay with commendable frankness, speak of his early years at the bar, as follows:

"Lincoln did not gain any immediate eminence at the bar. His preliminary studies had been cursory and slight, and Stuart was then too much engrossed in politics to pay the unremitting attention to the law which that jealous mistress requires. . . . It was several years later that Lincoln formed with Judge Logan the companionship and inspiration which he required and began to be really a lawyer. During

the first year or two, he is principally remembered in Springfield as an excellent talker, the life and soul of the little gatherings about the county offices, a story-teller of the first rank, a good-natured, friendly fellow whom everybody liked and trusted. He relied more upon his influence with a jury than upon his knowledge of law in the few cases he conducted in court. His acquaintance with human nature being far more extensive than his legal lore."

It will be well for us all to remember that "an acquaintance with human nature" is one of the most valuable elements in a lawyer's character. The learned man and the diligent man, may each be a rank failure, but the man who has penetrated the depths of human nature is wise beyond all others, and never fails.

As you trace the life of Lincoln in his biographies, you will read little about him as a lawyer. It is one great epic, but it is nearly all devoted to his struggle with poverty, his hatred of slavery, his contest for the mastery with Stephen A. Douglas, and the sad but glorious story of the war, and the tragic ending which gave him to the ages. Not much is told of his legal practice or of his legal acquirements. He was too great for men to comprehend him when he walked the streets of Springfield, greeting neighbor and friend after his kindly, homely fashion, or to fully know him in the courtroom or on the circuit. He appeared in few great causes; I mean such causes as became precedents and fix the law for the future, but he tried all sorts of cases, civil and criminal,—in the latter always for the defense. The great Rock Island Bridge cases are yet remembered as hotly con-

tested fights, involving issues which, if they had gone the other way, would have made history very different from what it has been. The first was an action for damages brought by the owners of the steamer "Effie Afton" which was injured by collision with the piers of the bridge erected by the Rock Island Railroad company across the Mississippi river. Eminent counsel were retained upon both sides, for it was realized that it was to be, in the language of modern athletics "a fight to the finish" between the river and the bridge. On one side were the sacred rights of navigation, time-honored freedom of natural waterways, ancient customs, and the traditions of many years. On the other, modern progress and modern science, the forces which were then, as now, pushing old methods and old theories aside to make way for better ones. Under the formal title of the case, was the true title "River vs. Railroad." Other cases, three or four in number, were brought, some at law, some in equity, but all involving the same question. Samuel F. Miller, then an eminent practicing lawyer of Iowa, was one of the counsel for the River in one or more of the cases, and during the litigation, James O. Broadhead, of St. Louis, T. D. Lincoln, of Cincinnati, and others, appeared on that side. Abraham Lincoln was on the side of the railroad, or which was the same thing, the bridge. With him were Judge Blodgett, Burton C. Cook, Joseph Knox and Norman B. Judd. One of the traditions of this litigation is that Mr. Miller, who was afterwards the great Justice Miller of the supreme court by appointment of President Lincoln, made a powerful argument against the bridge, in which he repeated many

times with great earnestness. "The river is nature's channel; it is the highway of commerce; no man, and no corporation may obstruct it." The lawyers for the railroad were much cast down until Lincoln arose and with that candid, fair and open-hearted manner which always characterized his arguments, sometimes going to the verge of giving his case away, said: "Yes, the river is nature's channel; it is the highway of commerce; but the railway is also the highway of commerce, and traffic east and west by rail is as much a subject of national concern, as is traffic north and south by water." This was the argument which ultimately prevailed, partly because it was good law, and partly because it was good sense, for generally the two go together.

Lincoln was counsel in another important cause, the contest between the McCormick and the Manny reaper,— a patent case in which his inventive talent would have had a good deal of scope if Edwin M. Stanton had not appeared upon the scene as his associate counsel. The story is a familiar one, and I need not repeat how Stanton treated him with brutal rudeness, and how Lincoln, chagrined and mortified, submitted and did not even get a chance to argue the case. But his chance came later, when he made Stanton secretary of war. Some revenges are better if we have to wait for them.

He had some other noticeable cases. Among them, the most romantic was his defence of Jack Armstrong, whose mother had befriended Lincoln in his youth, and he paid the debt by saving her son from the gallows, without fee or reward. He won a case of far reaching importance for the Illinois Central

Railroad company, and had his bill for \$5,000 disputed and he collected it only after a law suit. But that was not the Illinois Central of today, which has for its president, Stuyvesant Fish, a just man and a true representative of American patriotism.

His last case, only a month before his nomination for President, was tried in Chicago. The prairies were already aflame, and Illinois was getting ready for the battle which should name him the leader to carry his party's flag in the coming campaign. Judge Blodgett—not then a judge—had come down from Waukegan to ask him to speak there to a crowd of ardent supporters. He promised, and as soon as his argument was finished, left the court room and took the train for Waukegan. That was his last appearance in a court of justice. The case was one involving the rights of two opposing claimants to accretions on the lake shore near the mouth of the Chicago River. It is not material to know who they were, for no one has treasured up their names, or the story of their contentions and their troubles. Lincoln won the case, but whether he was for the accretion or against it, I am not able to say.

And here his career as a lawyer ends, and his career as a man of world-enduring fame begins. We may try as we please to think of him as a lawyer, but always the image of the Great Deliverer comes uppermost. Surely it would be good for the profession if there were more like him. When he was President, he showed in many a trying hour that he had not forgotten his legal training while performing the solemn, the fearful duties that rested upon him.

Through the dark years, he went steadily forward, clinging to the precepts of the constitution; clinging, as lawyers do, to precedent if precedent could be found; clinging to the ideal of a regular and orderly administration of justice and the affairs of government. Even the Emancipation Proclamation was sent forth under the sanctions of law,—the law of war, and the law of self-defence. No one questions now that it was strictly within his constitutional powers, and all the nations of the earth admit that it was the wisest, bravest and most humane edict to which any ruler ever set his pen.

As members of the legal profession, we have a right to feel a proud satisfaction in the thought that behind the guns of Grant and Sherman and Farragut, the calm deliberate judgment of a lawyer was meditating by day and by night, what he might do for the cause. How bravely he kept the faith the world will not forget.

THE LOUISIANA PURCHASE.

BY S. S. GREGORY OF CHICAGO.

As we look at the map of the United States as it existed prior to the acquisition of Alaska, there seems to be a certain natural harmony and proportion in its outlines. On the east, the Atlantic, on the north the St. Lawrence and the Lakes and a line extended westerly from the most northern of them, the Pacific on the west, Mexico and the Gulf on the south—this constituted our country, and manifest destiny seemed to have decreed that it should be no less. I am inclined to think that Governor Roosevelt, who is nothing if not positive, is justified in the view vigorously asserted in "The Winning of the West," that without Jefferson we should have acquired Louisiana.

The world demands heroes; it invests those connected with great events, with heroic attributes and great qualities; and raising them to a disproportioned height above their fellows. No great character is, however, an indispensable factor in the progress of the race; without him the history of the world would have been much the same in its main essentials. Macaulay's reflections on this subject are familiar:

"We are inclined to think that, with respect to every great addition which has been made to the stock of human knowledge, the case has been simi-

lar; that without Copernicus we should have been Copernicans, that without Columbus, America would have been discovered, that without Locke we should have possessed a just theory of the origin of human ideas. Society indeed has its great men and its little men, as the earth has its mountains and its valleys. But the inequalities of intellect, like the inequalities of the surface of our globe, bear so small a proportion to the mass that, in calculating the great revolutions, they may safely be neglected. The sun illuminates the hills while it is still below the horizon; and truth is discovered by the highest minds a little before it becomes manifest to the multitude. This is the extent of their superiority. They are the first to catch and reflect a light which without their assistance, must in a short time be visible to those who lie far beneath them."

But, nevertheless, the capacity of the race to produce these great characters, who grasp new truths and impart them to their fellows, is an important element in all human progress. Lacking this, such progress would be infinitely slower and more laborious.

Recognizing these limitations upon individual influence in the great transactions of history, it may justly be said that the acquisition of Louisiana was the greatest event in our history from the time of the establishment of our government to the proclamation of emancipation; and that its accomplishment at that particular time by peaceful methods, was very largely due to the patience, prudence and sagacity of Jefferson and his ministers; although looking back upon its history now, it seems strange and incom-

prehensible that none of them either appreciated its great import or intelligently entered upon its achievement.

The territory thus acquired embraces Louisiana, Arkansas, Missouri, Iowa, the greater part of Minnesota, the Dakotas, Montana, Nebraska, Indian Territory, nearly all of Kansas and parts of Wyoming, Colorado and Idaho, a mighty empire in itself.

There seems to have been an erroneous impression that it extended to the Pacific, which is countenanced by the census map, widely distributed, indicating this extent of that province. But the rights of the United States, west of the mountains are derived from the explorations of Rogers and Clark, the discovery of the Columbia River by Gray, and the treaty with Spain of 1819 by which Florida was ceded and the disputed boundaries between Spain and our possessions were settled. 4 Bryant's History of U.S., 146 in notes. 2 McMaster's History, 633-4.

Louisiana was ceded by France to Spain in 1762. The entire Mississippi Valley and the lands drained by its tributaries, had been originally claimed by France. Marquette and Joliet had discovered that great river; La Salle explored it to its mouth, and standing on the shores of the Gulf, named the country "Louisiana" and took possession of it in the name of France. By the discovery and exploration of the Mississippi, according to the custom of nations, France thus acquired all the country tributary to that river and its branches.

In 1762 France ceded to England all her possessions east of the Mississippi as far as the river Iber-

ville and thence east of a line running through the Iberville and along the north shore of lakes Maurepas and Pontchartrain to the gulf. England named the country, south of a line drawn from the junction of the Yazoo and Mississippi due east of the Appalachicola and down that river to the gulf, West Florida. To so much of the present state of Florida as lies east of the Appalachicola she gave the name of Florida East. In 1783 she ceded the two Floridas to Spain. In considering the claim afterwards made for this country to West Florida under the treaty of purchase made with France, it will be well to remember that this province was derived by Spain immediately from Britain and not from France.

The United States then being in possession of the eastern half of the Mississippi Valley, and Spain of the Western half and the mouth or mouths of that great waterway, in the navigation of which the people of this country were most vitally concerned, it was natural that we should seek some arrangement with Spain to secure the benefits of the navigation of that river, for the western portion of our country, and a convenient depot near the mouth for ocean shipment.

Accordingly, by treaty concluded October 27, 1795, between these powers, it was stipulated by his Catholic Majesty in Article 4, that the navigation of that river should be free in its whole breadth, from its source to the ocean, only to his subjects and our citizens, unless he should, by special convention, extend this privilege to the subjects of other powers; and by another article it was agreed that in consequence of the stipulations contained in Article 4,

His Majesty would permit the citizens of the United States for the space of three years so deposit their merchandise and effects at the port of New Orleans and export them thence without paying any other duty than a fair price for the hire of the stores, and either to continue this permission or designate another equivalent establishment on the banks of the Mississippi after the stipulated period.

Under these arrangements the people of the western country had for some years moved large quantities of their produce down the river for shipment and sale at New Orleans.

Shortly before the meeting of congress in December, 1802, intelligence reached the seat of government that Don Juan Ventura Morales, Intendant of New Orleans, had, on October 18th, withdrawn this right of deposit at New Orleans, without designating any other place where it might be enjoyed. As the news spread, popular feeling was aroused to the highest degree. It is easier for us to comprehend this, in view of the insolent character of such a wanton breach of treaty-stipulations with a friendly power, than to appreciate, in these days of railways and telegraph lines, the incalculable importance of the free and uninterrupted navigation of that river, with necessary right of entrepot near its mouth. It was then announced that France had regained title to Louisiana, and it seemed uncertain whether this invasion of our rights should be attributed to her or to Spain.

The subject soon engaged the attention of congress; and the Federalists, being then in opposition, proceeded to do what the party in opposition gener-

ally does on such occasions, vigorously, and even truculently, assert the rights of the nation, and incidentally create a few embarrassments for the party in power.

Senator Ross of Pennsylvania, on February 14, 1803, addressed the Senate at length. In the course of his remarks he contended that the closure of the Mississippi involved absolute ruin to the western people; that our right to its navigation and to a convenient place of deposit was unassailable; that treaties were inadequate to secure it, and that we ought at once to seize and fortify New Orleans and then proceed to negotiate. He warned the Senate against delay lest the veterans of France should in the interval entrench themselves in the place of the Spaniard.

He continued his remarks on the 16th and concluded by offering a series of resolutions on the subject. They asserted that the United States had an indisputable right to the free navigation of the Mississippi, and to a convenient place of deposit on the island of New Orleans.

That the late infraction of this unquestionable right was an aggression hostile to their honor and interests.

That it did not consist with the dignity or safety of the Union to hold a right so important by a tenure so uncertain, and that it materially concerned the interest of our citizens, dwelling on the western waters and was essential to the union, strength and prosperity of these states that they obtain complete security for the full and peaceable enjoyment of this right.

These resolutions also authorized the President to take immediate possession of such place or places on the island or adjacent territories as he deemed fit and convenient for these purposes, and to adopt such other measures for obtaining that complete security as to him should seem meet; and also to call into actual service the militia of South Carolina, Georgia, Ohio, Kentucky, Tennessee or of the Mississippi territory, not exceeding 50,000 and to employ them with the military and naval forces of the Union for the purposes mentioned; and provided that \$5,000,000 be appropriated for carrying the resolutions into effect.

In the course of the discussion which followed the whole subject of our relations with Spain was discussed and the Federalist senators insisted that there was ample cause for war. After recounting the outrages perpetrated by Spain on our commerce, our flag and our citizens, Senator White of Delaware exclaimed: "If this be peace, God give us war."

A further order of the intendant, prohibiting all intercourse with our citizens, was the especial subject of animadversion. The Administration senators pointed out the fact, that the orders of the Intendant were disclaimed and repudiated both by the Spanish Minister at Washington and the Governor General of the Province. They insisted that the attention of Spain should first be called to the matter and an effort made to obtain relief by negotiation. The Spanish Court did, in fact, ultimately disclaim this act and renewed the right of deposit. All the senators seemed keenly alive to the importance of

controlling the navigation of the Mississippi by securing possession of New Orleans and full dominion over the mouth of the river. Occasional references were made to the fertility of the Mississippi Valley; but no one suggested the importance or desirability of acquiring Louisiana, nor even so much thereof as constituted the west bank of the river.

Some Federalist senators saw the way open to a dissolution of the Union through the intrigues by which the French would attempt when firmly established west of the river to detach the Western from the Atlantic States.

Senator Jackson, of Georgia, a Republican claimed for his State a peculiar interest in this question, because with New Orleans must go the Floridas; and with great foresight, he declared that God and Nature had destined that both should "belong to this great and rising empire. As natural bounds to the South, are the Atlantic, the Gulf of Mexico and the Mississippi; and the world cannot, at some future day, hold them from us."

Gouverneur Morris, then a senator from New York, advocated the resolution and suggested that we should offer to both France and Spain to relinquish our claims upon them both, for spoliations on our commerce, as the price of the desired territory; and if they would not accede to such terms, then that we should tell them we would ally ourselves with Great Britain and "aid in the conquest of all their American dominions." "Sir," he said "this language will be listened to. Rely on it that under such circumstances, neither France nor Spain dare send hither a single regiment or a single ship. The ex-

istence of the British naval force will alone produce all the effect you could ask from its operation." De Witt Clinton, his colleague, however opposed the resolutions and supported the administration.

Senator Mason, of Virginia, speaking also for the republicans, made some allusions to the possible acquisition of Louisiana, to refute the claims made by some of the federalists that Spain had no right, without our consent to cede to France, treating any suggestion that we might desire this territory as preposterous. He said that it was not improbable that at some remote period Florida might be ours. It became ours in fact in sixteen years from that time. Referring to Senator Morris, he said:

"No doubt, if the gentleman were to be the negotiator on this occasion, he would say: 'You mean to cede New Orleans;' no, gentlemen, I beg your pardon, you cannot cede that, for we want it ourselves; and as to the Floridas, it would be very indiscreet to cede that, as, in all human probability, we shall want that also in less than five hundred years from this day; and then, as to Louisiana, you surely could not think of that, for in something less than a thousand years, in the natural order of things, our population will progress towards that place also." It is now less than one hundred years since these words were spoken; and the Louisiana of that time is filled with a population approximately three times that of the entire Union as it then stood.

Senator Breckenridge of Kentucky, proposed a substitute for the resolutions of Senator Ross, which was passed February 25, 1803. By this the president was authorized to call on the executives of the several

states for 80,000 militia in readiness to march at a moment's warning, and an appropriation was recommended for defraying necessary expenses.

This did not mean anything in particular; but the other resolutions meant war and this was averted. The subject was briefly discussed in the house on much the same general lines and on January 7th some mild, pacific resolutions were adopted.

A committee of the house recommended an appropriation of \$2,000,000 to enable the executive to commence, with more effect, a negotiation with France and Spain for the purchase of the island of New Orleans and the Floridas. Whether this was adopted or not does not clearly appear in the reports of proceedings; and Mr. Adams in his history seems to be equally vague and indefinite on the subject. (Vol. 1, p. 433.)

It will be more interesting now to turn to the executive measures by which the purchase was accomplished. Jefferson wrote a letter to Robert R. Livingston, our minister to Paris, which he sent April 25th, 1802, by a French gentleman, then in this country, M. Dupont de Nemours, requesting him to read it. In his letter to the latter he said. "I wish you to be possessed of the subject because you may be able to impress on the government of France the inevitable consequences of their taking possession of Louisiana; and though, as I here mention, the cession of New Orleans and the Floridas to us would be a palliation, yet I believe it would be no more and that this measure will cost France, and perhaps not very long hence, a war which will annihilate her on the ocean, and place that element under the despot-

ism of two nations, which I am not reconciled to the more because my own would be one of them."

In his letter to Livingston he developed this idea more plainly.

"The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within low water mark. It seals the union of two nations, who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation. . . . Will not the amalgamation of a young and thriving nation continue to that enemy the health and force which are at present so evidently on the decline? And will a few years' possession of New Orleans add equally to the strength of France?" (Ib. 410-11.)

Mr. Adams speculates at considerable length as to why Bonaparte ultimately ceded Louisiana and suggests various recondite theories based on an extensive examination of the constitution, personnel and archives of the courts of France and Spain. I think that the true explanation is not far to seek, and that the first consul, disappointed at the disastrous results of his efforts to pacify San Domingo and realizing the difficulties of transatlantic campaigns, pressed by foes on every hand and about to renew war with Great Britain, felt the truth of these suggestions; and accordingly, feeling also probably something of that friendship for the great republic which he professed, determined to sell to the best advantage what he did not really want nor could long retain.

The long negotiations that terminated in the cession were conducted with marked persistence, energy

and spirit by Mr. Livingston. He was a man of marked ability and talents, *persona grata* at the French court and of wide experience in public affairs. After his mission closed, Napoleon presented him with a magnificently jeweled snuff box with a miniature of himself by Isabey. On returning to this country, as the patron of Robert Fulton, he aided in the introduction of steam navigation into the United States. Like most great statesmen he was a lawyer and served for some years as chancellor of New York.

It is true that Monroe divides with him the honors of the treaty; but the latter's participation was but slight. His appointment was suggested partly by the personal friendship which Jefferson felt for him but mainly by a desire to satisfy popular demand for some extraordinary measures to secure a restoration of our rights in respect of the Mississippi and establish them upon a certain and stable foundation.

January 11, 1803, the president nominated him as minister extraordinary to France and Spain. The nomination was confirmed on the 13th and Jefferson on that day wrote him, saying:

"The measure has already silenced the federalists here, congress will no longer be agitated by them; and the country will become calm as fast as the information extends over it. All eyes, all hopes, are now fixed on you; and were you to decline the chagrin would be universal, and would shake under your feet the high ground on which you stand with the public. Indeed, I know nothing which would produce such a shock; for on the event of this mission depend the future destinies of the Republic. If

we cannot, by a purchase of the country, insure to ourselves a course of perpetual peace and friendship with all nations, then, as war cannot be distant, it behooves us immediately to be preparing for that course without, however, hastening it; and it may be necessary, on your failure on the continent, to cross the channel. We shall get entangled in European politics; and figuring more, be much less happy and prosperous." (Ib. 434.)

Devoted as he was to peace and peaceful methods, Jefferson's mind was undoubtedly firmly bent on an alliance with England and war with France, unless he could acquire, preferably by purchase, but at least by some plan of equal security, our rights in the great river.

He declared to the British Minister his purpose never to abandon the free navigation of the river and that, if at last we were compelled to resort to force, we would "throw away the scabbard." Similar representations were made to M. Pichon the French Minister, who was fully impressed with the prospect of an Anglo-American Alliance. In the meanwhile matters had been progressing slowly at Paris.

England had, as early as 1801, heard of the cession from Spain to France and was reluctant to acquiesce in this measure. Our minister at London, Rufus King, kept our government fully advised as to the attitude of England. In one of his letters to Mr. Madison, then Secretary of State, he says that on this subject he quoted to Lord Hawkesbury the remark of Montesquieu: "That it is happy for trading powers that God has permitted Turks and Spaniards to be in the world, since of all nations they are

the most proper to possess a great empire with insignificance." Fully apprised of the attitude of England, Livingston made excellent use of it.

The cession to France, though rumored, was not definitely known until long after it had been agreed upon. It was settled October 1st, 1800; (1 Adams' History, 403) and first communicated to our government by Mr. King, November 20th, 1801. Livingston seems to have learned definitely of its existence in January following. It was disapproved by many of the leading statesmen of France but for a time seemed to be a favorite project with the First Consul—and he was France.

Livingston pressed for a settlement of our claims for spoliations upon the commerce of our citizens and finally secured pledges for their adjustment. He prepared an elaborate paper on the general question whether it would be to the advantage of France to possess Louisiana, arguing that it would not, with much ingenuity and skill. Finding it difficult to make any progress in negotiating with Talleyrand, then Minister for Foreign Affairs, he endeavored with some success to reach the First Consul more directly.

That ambitious ruler, however, was then full of his plans for taking possession of Louisiana; and to that end was organizing a considerable military expedition to be sent out under command of General Victor. Writing to Madison of the situation under date of Sept. 1, 1802, Livingston says:

"There is no people, no legislature, no counsellors. One man is everything. He seldom asks advice, and never hears it unasked. His Ministers are mere

clerks; and his legislature and counsellors parade officers. Though the sense of every reflecting man about him is against this wild expedition, no one dares to tell him so. Were it not for the uneasiness it excites at home it would give me none; for I am persuaded that the whole will end in a relinquishment of the country, and transfer of the capitol to the United States."

These were words of wisdom, amply justified by the event. Among others, through whom Livingston endeavored to reach Bonaparte, was his brother Joseph Bonaparte. In a letter to the president October 28, 1802, he recites a long interview which he had then recently had with this intermediary, and among other things says that: "He asked me whether we should prefer the Floridas to Louisiana? I told him that there was no comparison in their value, but that we had no wish to extend our boundary across the Mississippi, or give color to the doubts that had been entertained of the moderation of our views; that all we sought was security, and not extension of territory." This was undoubtedly the attitude of the administration; and to some extent this detracts from the glory of the great result. Still Jefferson's patience and tact and his aversion to war, in itself one of the greatest of virtues in a ruler, gave opportunity for negotiation; and it was well utilized by Livingston.

The latter was advised of the hostile act of the Spanish intendant, at New Orleans late in November. But this incident, although secretly pleasing to France, does not seem to have much affected the course of negotiations at Paris.

In a communication to Talleyrand, January 10, 1803, Livingston dwelt at some length on the danger to France of exciting the hostility of England, by attempting to retain and colonize Louisiana and suggests the expediency of establishing a barrier between Canada and the French possessions, by ceding to the United States all of that province north of the river Arkansas; and also, believing the Floridas to be included in the cession from Spain, asked that West Florida be also relinquished to the United States, the latter being valuable as giving us control of the Mobile and other rivers flowing through that region into the gulf and calming apprehensions as to the Mississippi.

He adds: "Though it would comport with the true policy and the magnanimity of France, gratuitously to offer these terms to the United States, yet they are not unwilling to purchase them at a price suited to their value, and to their own circumstances, in the hope that France will at the same time satisfy her distressed citizens the debts which they have a right by so many titles to demand."

He never omitted an opportunity to press for payment of these claims, justly regarding this unsatisfied though admitted obligation as a formidable weapon in this diplomatic controversy. So far as I know this was the first suggestion made of any desire on our part to acquire any considerable portion of Louisiana.

Writing February 18 to the secretary, he expressed the hope that the United States had availed of the pretense afforded by Spain and taken possession, saying it would be best to treat with the subject in

our hands. This was precisely the view of the federalist senators and had some plausibility.

In the same communication he reported Talleyrand as saying that a purchase was out of the question, being beneath the dignity of France. Probably this was an instance where this celebrated diplomat was illustrating one of his favorite maxims that words should be employed to conceal ideas.

I cannot take the time to comment on or even allude to most of the very interesting diplomatic correspondence on this subject, even that between our ministers and the home government; but must mention a formal and stately paper addressed by Livingston directly to the first consul, February 27, 1803, and the instructions from the secretary of state to Messrs. Livingston and Monroe, March 2, 1803, in which he outlined a treaty to be arranged with France. In this paper he suggested a cession by France of all territory east of the river, "France reserving to herself all the territory on the west side of the Mississippi."

In view of the present discussion as to the right of this nation to acquire dominion and sovereignty over the inhabitants of foreign territory acquired by treaty, article 7 of the proposed treaty, which was afterwards in substance incorporated in the treaty actually signed, and the comments thereon by Mr. Madison, are worthy of notice. That article was as follows:

"To incorporate the inhabitants of the hereby ceded territory with the citizens of the United States on an equal footing, being a provision which cannot now be made, it is to be expected, from the character

and policy of the United States, that such incorporation will take place without unnecessary delay. In the meantime they shall be secure in their persons and property, and in the free enjoyment of their religion."

On this the secretary remarks:

"Article 7 is suggested by the respect due to the rights of the people inhabiting the ceded territory, and by the delay which may be found in constituting them a regular and integral portion of the Union. A full respect for their rights might require their consent to the act of cession; and if the French government should be disposed to concur in any proper mode of obtaining it, the provision would be honorable to both nations. There is no doubt that the inhabitants would readily agree to the proposed transfer of their allegiance."

The population of New Orleans was then about 7,000, and I have seen no estimate higher than 50,000 for that of the entire province. I do not know at what figure the population of the Floridas was estimated, but it must have been small.

Matters now proceeded with unexpected rapidity. It became evident that war between France and England was soon to be renewed, and all thought of the expedition to take possession of Louisiana was abandoned. April 11, 1803, M. Talleyrand asked Mr. Livingston whether we wished to have the whole of Louisiana, to which the latter replied in the negative. The former then said that without New Orleans the rest would be of little value and asked for an offer, and to the suggestion of 20,000,000 francs

provided the claims of our citizens were paid, said this was far too low.

Mr. Monroe arrived at Havre on the 1st, having been twenty-nine days in crossing. He reached Paris the 12th and on that day Livingston renewed the matter with Talleyrand, when the latter said Louisiana was not theirs; he said they had it in contemplation to obtain it, but had it not. Livingston gives this account of what followed: "I told him that I was very well pleased to understand this from him, because, if so, we should not commit ourselves with them in taking it from Spain, to whom, by his account, it still belonged; and that, as we had just cause of complaint against her, if Mr. Monroe concurred in opinion with me, we should negotiate no further on the subject, but advise our government to take possession. He seemed alarmed at the boldness of the measure and told me he would answer my note, but that it would be evasively. I told him that I should receive with pleasure any communication from him, but that we were not disposed to trifle; that the times were critical, and though I did not know what instructions Mr. Monroe might bring, I was perfectly satisfied that they would require precise and prompt notice."

That evening, while Monroe and some other gentlemen were dining with Livingston, the latter saw Barbe Marbois, minister of the treasury, walking in the garden, and sent out to ask him to come in, which in a little while he did.

Livingston, in the course of conversation, related his conversation with Talleyrand, and Marbois indicated a desire to see him on that subject later during

that evening and then took his departure. Accordingly, after his guests had gone, Livingston at once called upon the minister. After a long discussion the latter told him the Consul had authorized him to sell Louisiana for 100,000,000 francs, provided we would pay the claims on France of our citizens, it is said that in fact the sum mentioned by the Consul was 50,000,000, but the minister had raised it to the figure indicated. Livingston repeated his statement that we desired peace with France and wanted only to remove them across the river; that to that end we desired New Orleans and the Floridas, but had no desire to acquire territory across the river; that we would not give any great sum, but would purchase at a reasonable figure. Marbois had expressed the opinion that the sum named by him was exorbitant and finally suggested 60,000,000 francs, we to assume the claims at 20,000,000.

Livingston replied that he had no authority to offer any such sum and could do nothing without consulting Monroe, at the same time endeavoring to persuade Marbois to reduce his figure.

Livingston took care to impress upon Madison in his report of these negotiations that they had proceeded to this point entirely without the participation of Monroe, adding: "We shall do all we can to cheapen the purchase; but my present sentiment is we shall buy." And this they did on the terms indicated, after a brief period of negotiation, the results of which were communicated to the secretary by their joint letter of May 13, 1803.

The treaty and two accompanying conventions, the first providing for payment of the 60,000,000

francs, the second stipulating the arrangements as to the spoliation claims, were all dated April 30. But in fact the treaty and first convention were signed in French on the 2nd day of May, and in English two or three days later; the second convention about May 8 or 9.

The cession was of "Louisiana with the same extent that is now in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States."

Talleyrand well understood that this did not include West Florida upon considerations already indicated; but encouraged Livingston to claim the contrary as against Spain. Livingston and Monroe urged this construction upon our government, and the former even advised forcible possession of the disputed territory as a means of emphasizing our claims in this regard. But this untenable proposition was not acted upon by the government.

Without this the treaty was of sufficient import. Mr. Adams, in the work already referred to, has well said: "The annexation of Louisiana was an event so portentous as to defy measurement; it gave a new face to politics, and ranked in historical importance next to the Declaration of Independence and the adoption of the constitution, events of which it was the logical outcome; but as a matter of diplomacy it was unparalleled, because it cost almost nothing."

Livingston had been a member of the committee of the continental congress, appointed to draft the Declaration of Independence; yet when he signed

the treaty he said to Monroe, "We have lived long but this is the noblest work of our lives."

I much regret that time does not permit any attempt to give even a brief epitome of the very interesting story of this event given by Mr. Adams in his history; and even if it did, I should hesitate to re-tell in any form what has been so agreeably recorded by this attractive writer with a great wealth of research and original investigation which makes his work authoritative as well as of great interest.

I must now advert briefly to the two great constitutional questions involved in this matter. The first was whether the United States had any power to acquire territory; the second arose under the third section of the treaty which provided as follows: "The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess."

The treaty was ratified promptly by the Senate October 20th of the same year; possession of the ceded territory was delivered by Spain to France November 30th and by France to the United States December 20th. It is said, however, that Upper Louisiana was not included in this transfer and was not finally turned over by Spain to France and by the latter to us until March 9th and 10th respectively, 1804. (McMaster.)

The constitutional question referred to and the general aspects of the purchase were discussed in congress when legislation to carry the treaty into effect was pending. The federalists contended that it was unconstitutional and also that France, having failed to comply with the terms of the treaty by which she acquired Louisiana and having pledged herself not to alienate the province could confer no title upon us. The latter phase of the case had some plausibility, as the First Consul had undoubtedly given Spain such a pledge. Cevallos, the Spanish foreign secretary had, however, advised Mr. Pinckney, our minister at Madrid, that France, by the retrocession, had acquired Louisiana, adding "the United States can address themselves to the French government to negotiate the acquisition of territories which may suit their interest;" and though this was May 4th, after the treaty was concluded, it was relied upon by this government as a disclaimer of title which the Spanish court could not thereafter disavow. Besides what could poor, helpless Spain do?

I will not attempt to trace the congressional debates upon this subject. The attitude of the opposition was what it always is—inconsistent, unreasonable and reactionary. What is right when we are in power becomes wrong when our adversaries have dominion and attempt to exercise like power. Still more absurd was the manner in which the federalists attempted to belittle the importance and value of the acquisition.

Senator White of Delaware, after depicting the

dangers involved in the settlement of Louisiana and the prospect of a speedy dissolution of the Union as a result, said:

"We have already territory enough, and when I contemplate the evils that may arise to these states, from this intended incorporation of Louisiana into the Union, I would rather see it given to France, to Spain or to any other nation of the earth, upon the mere condition that no citizen of the United States should ever settle within its limits than to see the territory sold for a hundred million dollars, and we retain the sovereignty."

In the house, Mr. Griffith of Virginia is quoted as saying:

"He feared the effects of the vast extent of our empire; he feared the effects of the increased value of labor, the decrease in the value of lands and the influence of climate upon our citizens who should migrate thither. He did fear (though this land was represented as flowing with milk and honey) that this Eden of the new world would prove a cemetery for the bodies of our citizens."

Reference to these brilliant examples of congressional oratory in the good old days makes us doubt whether the charge of modern decadence in our national legislature is altogether well founded. The opposition was vain and could muster but a few votes either in the senate or the house.

Jefferson himself, however, true to his political faith, was firmly persuaded that the treaty was wholly unwarranted by the constitution; and he made repeated attempts to induce his party friends to undertake to procure an amendment to the constitution.

In a letter to Mr. Nichols of September 7th, 1803, he said:

"Our peculiar security is in the possession of a written constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty making power as boundless. If it is, then we have no constitution."

His associates in power were probably less consistent, but I think wiser. In a letter of September 3, 1803, covering both the points of a main constitutional objection to the treaty, Senator Nichols said:

"Upon an examination of the constitution I find the power as broad as it could well be made (Sec. 3, Art 4), except that new states cannot be formed out of the old ones without the consent of the state to be dismembered; and the exception is a proof to my mind that it was not intended to confine the congress in the admission of new states to what was then the territory of the United States. Nor do I see anything in the constitution that limits the treaty-making power, except the general limitations of the other powers given to the government, and the evident objects for which the government was instituted."

Gallatin bluntly declared in a letter to Jefferson: "To me it would appear (1) that the United States as a nation, have an inherent right to acquire territory; (2) that whenever that acquisition is by treaty, the same constituted authorities in whom the treaty-making power is vested, have a constitutional right to sanction the acquisition."

Power and responsibility often broaden the views of men who have, in that academic discussion which

is the peculiar privilege of a minority, without either power to act or responsibility for what is done, professed rather narrow and restricted theories.

As to the question of the power of the United States to acquire territory if the constitution was anything more than a mere compact between the states, it must be regarded as absolutely undeniable. Indeed the federalists had advocated shortly before the treaty, the acquisition of New Orleans by force; and those of them who afterwards denied the right to acquire territory by purchase were plainly guilty of manifest inconsistency. Nor am I able to perceive how a firm belief in the reserved rights of the states and the importance of construing strictly the grants of power to the general government in derogation of their sovereignty, in matters of domestic concern, require any doubt or denial of the existence of the power in question in the nation. The states had and could have no existence in relation to other nations. They had abdicated their sovereignty completely in respect of all external questions.

Section 10, Article 1, of the constitution provides that "No state shall enter into any treaty, alliance or confederation"—; and also that "No state shall without the consent of congress . . . enter into any agreement or compact with another state or with a foreign power," etc.

By Section 2 of Article 1, it is provided that the president "shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur."

By Article 6, it is declared that "all treaties made or which shall be made under the authority of the

United States shall be the supreme law of the land." Clearly then to the treaty-making power thus expressly conferred, the 10th amendment declaring that "powers not delegated to the United States by the constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people," has no application.

The power to make treaties is unlimited and includes treaties by which territory and political dominion over it are acquired, as well as those of war and peace, trade conventions and every form of international compact known to the law and usages of nations.

As to the other objection touching the power of congress over territory thus acquired and to create out of it and admit to the Federal Union new states, that power appears to me to rest on grounds equally unassailable.

By Section 3, Article 4, of the constitution, it is provided that "New states may be admitted by the congress into this Union," but that they should not be formed within another state or by the junction of two or more states without the consent of the legislatures of the states whose territory is thus affected. This is the only limitation on the power of congress in this regard. Moreover, to me this provision for the consent of the states, thus immediately concerned in one class of cases, seems to import the existence of power as to another class of cases in which such consent is not requisite. Nor is there anything to restrict the right of congress in this regard to territory, then subject to the United States.

In the same section power is granted to the con-

gress "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." And without this grant and quite irrespective of its adequacy in respect of territory of which political dominion and not legal title was acquired by treaty, I should suppose that power to acquire, necessarily importes power to govern and control.

I take these propositions of American constitutional law to be now incontrovertible, however they stood at the beginning of the century; and they seem to me clearly deducible from the language of the constitution and in nowise to impair those sound and wholesome principles of local self-government which suggest reposing in the states the largest measure of power over domestic concerns, consistent with national unity, and the efficient exercise of the essential powers existing in the general government.

As to whether we ought in acquiring dominion over foreign territory to solicit the suffrages of its inhabitants, as suggested by Mr. Madison, I hesitate to express a very dogmatic opinion.

Certainly we all propose to stand by the Declaration of Independence; but "the consent of the governed" is habitually and constantly dispensed with, as to all but the great essential rights, in the exercise of governmental power. Taxes are levied, wars are waged, penal codes are adopted and government constantly administered without the consent and against the vigorous protest of the minority, frequently a minority so large as to be all but a majority. And I understand that the essential rights secured by the constitution are guaranteed to the people of

any territory over which our power extends, though their political rights may be subject to the control of the national legislature.

So we must vindicate Jefferson against his own doubts and hold that in his part in the acquisition of this imperial domain he acted within and not outside of the constitution.

Some of the legislation for the government of Louisiana, however, cannot be thus justified; for it seems to have disregarded those civil rights which are secured to the people of the territories under organic law.

Yet in spite of his doubts and of the fact that he has no idea of attempting such an acquisition, Jefferson had the practical sagacity and good sense to avail himself of this great opportunity; and this is but an illustration of what I think historians and thinkers of the New England school do not sufficiently appreciate, that he was no mere dreamer nor theorist, but a great practical statesman.

Like Abraham Lincoln, whose memory you have so appropriately commemorated, like John Marshall, whose political views he detested, Thomas Jefferson was in simplicity of manners, tastes and habits a man of the people and, far more than Marshall and much as did Lincoln, he trusted and sympathized with them.

One curious and striking sequence to Federalist opposition to the treaty calls for a word. In January, 1804, the leading Federalists of New England, Pickering, of Massachusetts, Griswold and Tracy, of Connecticut, Plumer of New Hampshire, and others, in their alarm over the Jacobin Democracy of

the Republicans, organized a movement for the dissolution of the Union. 2 Adams, 160 et seq.

They hoped to get New York to go with them and, Burr having finally parted company with Jefferson, they turned to him. He became a candidate for governor in New York. Hamilton resisted his election and Burr was defeated. The fatal duel was the result of some report of what he had said about Burr prior to the election.

The plans of these early secessionists seem to have lapsed after his death. And Burr, the poison of contemplated treason infused into his embittered and disappointed heart, drifted away to the west to pursue his plan to found a great confederacy in the Mississippi Valley. This was to include Louisiana, the people of which territory were said to be eager to become independent of this country. Burr, it is said, endeavored to secure the aid of England in his schemes through Anthony Merry, then Minister at Washington. (3 McMaster.)

The story of his treason and of his acquittal under the ruling of Marshall, that no overt act of treason had been proved, is familiar and I will not pursue it farther. I have only mentioned it because it seems strange that the acquisition of Louisiana should have, in a measure, exaggerated the bitter hostility of New England Federalists to Virginia; and have also, when Burr's ambitions in that direction were disappointed, furnished him with a further motive and, as he supposed, opportunity for his darker and more sinister treasons.

The history of this country in these early years of the century which I have so imperfectly referred to,

is most interesting and impressive. The infant Hercules of nations was then strangling the serpents of foreign intrigue and domestic discord.

Most of the great men who had established the foundations of the government were still living, participating in its administration and furnishing to the world a demonstration that civil liberty was not inconsistent with social order and national growth. This mighty empire of the west was just at its beginnings. The population of our country was but little more than the present population of your sister state of Illinois.

The wonderful potentialities of steam and electricity slumbered in the minds of men, and all the great activities and agencies of our unparalleled material achievement were unknown and unforeseen. What a century of growth and development for our country and with what pride and satisfaction can we look back upon it! The spark of dissension in these early years of the republic, destined at a later date and from other causes to develop into the horrid conflagration of civil and titanic war, has been extinguished once and for all. We have sad but not bitter memories for this memorable and inevitable struggle. But when we look about us upon this indissoluble Union, this beautiful land, this greatest, freest and best of the nations, well may our hearts swell with patriotic pride and satisfaction.

Much remains to be done; but what has been done furnishes solid ground for confidence in the future. We look back to the great men whose fame and just achievement in all ages of our history are our greatest inheritance with gratitude and affection.

And not unmindful of Him who holds the nations of the earth in the hollow of his hand we may look forward with hope and confidence to new and increasing opportunities, to wider and greater responsibilities.

THE EARLY BAR OF MADISON.

BY H. M. LEWIS.

Since concluding to give on this occasion some sketches of the early bar of Madison, I have been embarrassed by the richness of the material at my disposal, and the difficulties of making selections which will bring my paper within reasonable limits.

I deeply regret that the late Judge Pinney should not, with his fondness for historical reminiscence, his wonderful memory of facts, incidents and anecdotes, and his personal acquaintance with the men, have written a history, not only of the pioneer bar of Madison, but of the state. I believe few new states or territories have been favored with a more remarkable class of men.

It has always seemed to me that the first settlers of Madison were an unique class of men. They were men of strong individuality, and whether professional men or laymen had more than the average brightness of mind and intellectual ability. Before, say 1855, the common-place man, even among our day laborers, was the exception. A group of men, nearly all in early manhood, strong, brave, full of animal spirits, of more than ordinary mental endowment, fun-loving and with more than the usual capacity for improvising and creating occasions of hilarity, with little serious business to occupy their time, they

were always ready to amuse themselves in ways that were original but adequate to the occasions.

If the "Oriental Evanic Order of 1001" did not originate with them it here reached its climax and greatest notoriety. In this rollicking life many of the early lawyers were participants.

The lawyers who settled in Madison in 1837, immediately after the territorial capitol had been located here, were John Catlin, J. Gillett Knapp, William N. Seymour, David Brigham and Thomas W. Sutherland. Within two or three years came Barlow Shakelford, Chauncey Abbott and Julius T. Clark. Alexander Botkin became a resident of Madison in 1841, Judge Alexander L. Collins in 1842, Hon. George B. Smith in 1844; and about the same time, Judge Thomas Hood, Judge N. B. Eddy, Judge D. C. Bush, R. W. Lansing, H. W. Remington and William Welch. Most of these men were worthy of character sketches, but I must confine myself to some three or four individuals, and from my limited time can give but an inadequate portrayal of these.

When we consider the fact that in the winter of 1837-8, there were but four white families within the present corporate limits of Madison, and but two or three outside of those limits and within the present boundaries of Dane county, and that the remainder of the population consisted of some twenty-five or thirty workmen upon the territorial capitol building, the five lawyers who settled here in 1837 must have had a very meagre field for professional labor.

David Brigham died before I came to the territory. He had the reputation of being an able lawyer, and a high-minded christian gentleman. He was a grad-

uate of Harvard. Had been a tutor in Bowdoin college and was one of the organizers and a charter member of the First Congregationalist church of this city. He was the father of the late J. R. Brigham, Esq., of Milwaukee, and a brother of Col. Ebenezer Brigham, the first white settler in Dane county.

Barlow Shakelford also died before I became a resident of Wisconsin, but he was highly regarded by his contemporaries as a lawyer, man and citizen.

J. Gillett Knapp came here from Green Bay where he had edited a paper. He was a man of liberal education, possessing considerable scientific knowledge, especially as a geologist and botanist, and had a fondness for and much knowledge of horticultural and arboricultural subjects. To him, Madison was indebted for the grand maple and elm trees which, until recently, were so plentiful in, and were the glory of the capitol grounds. They were set and nurtured by him while superintendent of public property of the territory.

He was a well read lawyer, but he lacked judgment and discrimination in its application. He was also without tact and judgment in the trial of cases, but he had great pertinacity and dogged obstinacy of which many amusing anecdotes could be told did time permit. An obstinacy which was disastrous to him financially and otherwise. He seemed to think the chief end and purpose of a law suit was for the sake of an appeal to the Supreme court.

As illustrating this trait in his character, Judge Pinney used to tell with much zest of a conversation he had with Judge Knapp. In a suit which he had been trying, the jury had rendered a verdict against

his client and meeting Knapp a few moments afterwards, he remarked to him: "Well Knapp, I see you were beaten in your suit." "Oh, no, I was not. I have the case now just where I want it. I have preserved over two hundred exceptions to the rulings of the court."

I cannot refrain from relating one, of many other anecdotes, illustrating his obstinacy. Soon after the inauguration of President Lincoln, his friends procured for him the appointment of one of the judges of the Supreme court of the territory of New Mexico. The territory was in the possession of the United States military forces under the command of General Canby, and it required much vigilance on the part of the rather small force stationed there to prevent invasion of the western states and territories by the Confederate armies from Texas and other southern states. Among other regulations adopted by Gen. Canby was that no one should be permitted to pass a certain line established by him without a passport, or upon giving his name and a satisfactory account of himself and his business. Judge Knapp had occasion to pass this line in going to one of the county seats to hold court, was halted at the line and required to give his name, and having a lofty idea of judicial dignity and that the military power should always be subordinate to the judicial power, he refused to state his name or business, and the commander ordered that he be tied up by the thumbs until he complied. Upon being released he felt that such an indignity to a high judicial officer should not be allowed to pass unnoticed and unpunished, and so instead of going to his destination to hold court,

he went on to Washington to lay the matter before the president, and demanded that the military authorities be reprimanded, and the commanding general removed, but it resulted in his own removal instead.

Judge Knapp soon after the close of the civil war settled upon a fruit farm near Tampa, Florida, where he died a few years ago at a ripe old age.

John Catlin was appointed the first clerk of the territorial Supreme court. He was the first post-master of Madison. When I first knew him, his residence stood on the present site of the post-office building. His law office was on the present site of the Ogden block—a one-story brick building consisting of two rooms, with a hall between, and with a door opening from the street into the hall. The room west of the hall-way was the law office of Catlin, Abbott & Clark. The room on the east was the real estate office of Catlin, Williamson & Barwise. I never knew Mr. Catlin to engage personally in the trial of cases, but he was considered by the early settlers as a wise and safe counselor. He was the first president of the old Milwaukee & Mississippi Railroad company, and about the time of its completion to Prairie du Chien, he severed his connection with the road and removed to Elizabeth, N. J., where he died several years ago.

Another of this group of the first five lawyers was Thomas W. Sutherland, affectionately called by every resident of Dane county "Tom Sutherland." A man possessing manly beauty, a noble presence and a magnificent physique. Mr. Durrie says of him in his history of Madison: "In his private relations

he was a noble generous man, highly esteemed by every one, and will be long remembered by the early settlers of Madison."

He was of an adventurous character. In 1835, he came to Indiana as clerk to a commission to settle some Indian matters. He then crossed the country to St. Louis, thence up the Missouri river to the present site of Council Bluffs, from which place, with a'pony and alone, he traversed the country then inhabited by wild and mostly hostile Indians to the head waters of the Mississippi river, to St. Anthony Falls. When we reflect that the journey thus made by this young man alone was some three years before the same country was explored by the expedition of Fremont and Nicollet, sent out by the government of the United States, with ample escorts, etc., and being Fremont's first exploring expedition and in which he acquired such a reputation for bravery and efficiency as an explorer as led to the government employing him for his subsequent exploring expeditions, some idea may be gained of the bold daring character of the young lawyer. At St. Anthony Falls, he procured a canoe, floated down the Mississippi to the mouth of Rock river, paddled up that stream to the mouth of the Catfish, and up that stream and through the chain of lakes to the present site of Madison, then only inhabited by Indians. He lived for some time in an Indian village on the eastern shore of Lake Monona, now known as Winnequah, and earlier as Squaw Point.

He resolved to make this his future home. He made a short visit to Philadelphia, his birthplace and the home of his parents, and returned to Madison

within a few weeks after it had been selected as the territorial capitol.

In 1841, he was appointed United States District Attorney for the territory of Wisconsin, which position he held for four years, and was again appointed to the same position by President Polk in 1848. He was the first president of the nascent village of Madison. In the spring of 1849, he took the overland route to California, following the old Sante Fe trail, then through the valley of the Gila, arriving at San Diego. He subsequently removed to San Francisco where he practiced law with success until he was appointed collector of the port by President Buchanan. He died at Sacramento February 2nd, 1859.

One of the most original and widely known of the early members of the Madison bar was Col. Alexander Botkin. He was born in Kentucky March 4th, 1801, and removed to Ohio at an early age. In 1836, he settled at Alton, Illinois, where he was a Justice of the Peace at the time of the Lovejoy riot, and took an active part in preserving law and order at that time.

In 1841, he came to Wisconsin in the capacity of assistant secretary of the territory; A. P. Field being the secretary, and while performing their official duties they engaged in the practice of law under the partnership name of Botkin & Field.

Col. Botkin possessed a strong mind, good reasoning ability, was a fluent speaker, great powers of sarcasm, wit and humor and an inexhaustable fund of anecdotes that were always new, pat and seemingly original. In this respect he was nearly the equal of

President Lincoln, I have long entertained the opinion that such men are able to improvise stories for the occasion.

His early education had been greatly neglected, but if he did not know books he knew men and was an excellent judge of human nature. These qualities rendered him a power before juries, but he was not strong in a legal argument before the court, but in justice courts he was invincible. He had the gift which seems to be peculiarly the attribute of the Kentucky politician of always remembering the face and name of any person he had met. He was an ardent Whig during the existence of that party, and he gained perhaps more prominence as a party leader and stump speaker than as a lawyer. His admiration and love for Henry Clay almost amounted to idolatry. In early life he had been quite dissipated but before leaving Cincinnati he resolved to entirely abstain from the use of intoxicating liquors, a resolve which he faithfully kept until his death.

The anecdotes related of Col. Botkin in his career as a lawyer and as a politician would fill a volume. Soon after his settlement in Madison, one W. W. Wyman, who had established a Whig paper here called "*The Madison Express*" made a savage attack upon Maj. E. B. Dean, then and since a well known resident of this city. Dean meeting Wyman upon the street soon after the issue of the paper knocked him down. Wyman procured a warrant from Squire Seymour, a justice of the peace, and caused Dean to be arrested. Dean employed Col. Botkin to defend him; and made this stipulation with the Colonel that he would pay him a certain sum to

defend him; he was to speak an hour and during the time was not to say one word upon the merits of the case, but consume all of the time in ridiculing and abusing Wyman, the complainant. The trial was held in the Supreme Court room of the old capitol building and attracted a large crowd. Botkin faithfully carried out his agreement with his client and spent the hour in ridiculing and satirizing and abusing Wyman to the great enjoyment of the spectators. When his time was about expiring, one of the spectators took his hat and went around the crowd and took up a collection to have the Colonel continue. Collecting quite a sum of silver coin, he emptied it into the side pocket of the Colonel's coat. The Colonel ran his fingers through the proceeds of the collection, made a hasty computation of the amount and proceeded to continue as long as he thought he could afford to speak for the amount collected, and when the spectators saw he was about closing, they took up another collection and went through the same performance, and the Colonel continued his tirade against Wyman until Squire Seymour in disgust jumped up and announced that the defendant was acquitted and the court adjourned.

The Hon. George B. Smith once related to me the experiences that he used to have with the Colonel in justice courts, especially in the country. Smith said that he often took along with him "Starkie on Evidence" as an authority to sustain his legal propositions; that the Colonel would rise to reply, seemingly in great indignation, and address the court, saying, "Your Honor, I must call your attention to the impudence of this young man reading to Your Honor,

as the law of Wisconsin, 'Starkie on Evidence,' when he knows very well that it is an English book by an English author who knew nothing whatever in regard to the law of Wisconsin, and in reading it, he is trying to impose upon Your Honor and should be rebuked for his attempted imposition." Thereupon, said Mr. Smith, the honest and intelligent court would look upon him in great indignation and promptly proceeded to beat him. He said the Colonel had played this trick upon him so often that when Greenleaf's Evidence came out, he hastened to procure a copy, thinking that the Colonel could no longer successfully repeat it, but the first time he had an occasion to use it against the Colonel, he went through the same performance, saying, "What does this man Greenleaf know about the law of Wisconsin, he lives in Maine. He may know something about the law of Maine, but not of Wisconsin." And Mr. Smith found the result the same as his experience had been with Starkie's Evidence.

On one occasion, when the Colonel was a candidate for some office, he went into the country making speeches and canvassing for votes. He wore a coat well covered with patches. At some town in the country he met his opponent and several politicians of the democratic faith, amongst others, Major Dean. Dean's quick eye noted that the garment not covered by patches did not show sufficient use to require so much mending, and he offered to bet quite a sum that there were no holes under those patches. The bet was taken and the crowd held the Colonel until the patches could be ripped off, and it is needless to

add that Major Dean won his bet. There were no holes to be covered.

Upon the occasion of Col. Botkin's death, Col. E. A. Calkins, who was then the editor of the *Argus and Democrat* of this city, published some reminiscences of the Colonel, and amongst others related this well known anecdote of one of his electioneering tours.

"He called upon a Norwegian family, for he was an accomplished master of the electioneering art. He was invited to tea and at once accepted the invitation. Among other Norwegian delicacies was a quantity of ripe pickled cucumbers, yellow and plethoric with their intestinal contents. They were urged upon the Colonel by his officious hostess until he could no longer refuse without hazarding the vote of the head of the family. He at length attacked a monstrous specimen and with tears in his eyes induced by the sharpness of the vinegar and the contents of the pickle running out of both corners of his mouth and down his protuberent vest insisted upon her giving him the recipe for the pickles that he could carry home and get some made like them. He was elected."

Some time in the year 1856, S. D. Carpenter, known as "Pump" Carpenter, was publishing the *Patriot* in this city. He was a man of considerable conceit, took himself quite seriously, was an aggressive politician, with slight appreciation of the humorous in his make-up. He issued a challenge in his paper to any member of the republican party to discuss the political issues of the day with him at the Dane county court house. Some of the wags in town be-

longing to both political parties, remembering the Colonel's defense of Dean upon the complaint of Wyman before alluded to, induced the Colonel to accept the challenge and resort to the same tactics that he employed in that case. This the Colonel consented to do. The preliminaries were all arranged and the time fixed. Carpenter was to open the discussion with an hour's speech. Botkin was to reply and consume an hour and a half, and Carpenter to close with a thirty minutes' reply. The old court room was crowded with people, most of whom came expecting a *bona fide* political discussion. Carpenter opened in the most serious manner, producing his cherished scrap books of statistics, etc., making what he believed an unanswerable argument. Botkin replied, spending his whole hour and a half in ridiculing and satirizing Carpenter, never once alluding to politics or to the political issues. The scene while Botkin was speaking baffles description. Carpenter undertook to reply in kind, but he was not equal to the occasion and the result was that he was almost annihilated as a political factor in the city thence forward.

Col. Calkins, in his reminiscences, alluded to this discussion as follows: "The keen encounter between his (Botkin's) wit and "Pump" Carpenter's scrap book at the court house during the last campaign will be remembered by the crowd who listened to it. It was a very 'nest of spicery' and made men laugh until they almost cried from side ache."

His lack of education sometimes caused him to make serious blunders in the use of language. Upon one occasion, while a member of the senate, he had

occasion to speak against some measure adopted by the opposition in a secret caucus. He protested strongly against the secrecy which had characterized their proceedings and said, "Mr. President, we want a fair fight. We don't want to go crawling along in the brush about this measure, but we want action on it to be *sub rosa and above board*."

On another occasion in court, he was arguing some question of law or fact and attempted to quote Iago as follows:

"Who steals my purse steals trash,
 * * * * *
 But he that filches from me my good name,
 Robs me of that which not enriches him,
 And makes me—"

• Here, his memory failing him, he continued:

"And makes me, gentlemen of the jury, feel d—d disagreeable."

He twice sat in the territorial legislature and served one term in the state senate and one in the assembly, and was voted for by the Whigs in 1851 for United States senator against Gen. Henry Dodge. He took an active part in the councils of the Whig party and he conceived the idea and brought about the nomination of Leonard J. Farwell for governor of the state, and he was the first successful candidate against the democratic party for that office in this state. The last two or three years of the Colonel's life was spent as right-of-way agent for the old Madison & Watertown Railroad company, and while in that service he died suddenly at Sun Prairie on March 5, 1857.

I cannot better close this slight sketch of Col. Botkin than by quoting the words of Col. Calkins. "No acquaintance that he ever had in this state will charge

him with a mean or dishonest act. His goodness of heart was as unbounded as his humour. He was everybody's friend. 'Had no arts but manly arts.'

'A hand open as day to melting charity.'

If the qualities that make a man generous, patient, honest, forgiving and good constitute a gentleman and a christian, Col. Botkin was both."

The sketch and estimate which I now give of John Warren Johnson will doubtless bring to your minds these words of Emerson. "It has been complained of our brilliant English historian of the French revolution that when he has told all his facts about Mirabeau, they do not justify his estimate of his genius."

Little is now known of Johnson's early history—his birth place or family—only that he was born in New Hampshire and that his mother was a first cousin of Whittier, the poet. That he was for a time a student at Dartmouth but did not graduate.

I was sufficiently intimate with him to have justified me in drawing from him some more particulars of his early history and life, but I never availed myself of the opportunity, and such knowledge as I obtained from him was the voluntary relation by him of some incident in his early life.

From these conversations, I learned that in his youth he was well acquainted with Franklin Pierce for whom he had the highest admiration. I also learned in this way that he began the practice of law in New Hampshire, and he related this anecdote of an old justice of the peace before whom he practiced, and in whose court he was usually successful. That upon the conclusion of a trial after rendering a judgment

in favor of Johnson's client, he would pat Johnson upon the shoulder, and say to him, "Well, Johnson, we beat them again didn't we?"

From like talks, I learned that upon his removal from New Hampshire, he first settled in Newark, New Jersey, and practiced there for some time, and that Mr. Pennington, who was a candidate for congress, and who was elected speaker of the house of representatives, procured him to stump the state with him during that political canvass, and he claimed that it was during that canvass that he acquired the habits of intemperance which wrecked his future life. He told me that Pennington and others of the party were men of wealth, high livers, and at the conclusion of every political meeting indulged in a campaign supper. An early friend of Johnson's, who had been a fellow student at Dartmouth, to whom I related this statement, said it was not correct in fact as his over indulgence in the use of intoxicants began in college and was the real cause of his leaving college before his graduation.

The two men best fitted to write personal recollections of Johnson are Hon. Alex. C. Botkin, now of Washington, and the Hon. John C. Spooner.

I first saw Mr. Johnson on the 13th day of July, 1854, the day the republican party was organized and christened in this state. It was a mass meeting consisting of three or four thousand men gathered from all parts of the state and assembled in the capitol park.

Late in the afternoon, a tall, erect young man—with a clean shaven face, long golden hair, appeared upon the east steps of the old capitol to address the

crowd. The audience was already fatigued with listening to many speeches, but he soon had them in thrall. During the half hour or so that he was speaking, scarcely a person seemed to move. He was a stranger to nearly every one in the audience, but I soon learned that his name was Johnson, that he was a lawyer and resided at Prairie du Sac, Sauk county. He had been living there for several months and while there his wife and only child died of cholera.

At the time he addressed the mass meeting he was unknown to the people of Madison. A few weeks subsequently, he came to Madison, opened an office and began the practice of the law here, and this was his principal place of residence until his death.

He soon commanded a good practice which might easily have expanded to immense proportions but for his habits of dissipation.

I have listened to many of the finest orators this country has produced, but when Johnson was at his best he surpassed the best of them. There was a majesty in his bearing and poise, perfect grace of action, elegance of diction, a quality of timbre in his voice that tingled through the nerves of his hearers, and he was able to play upon the emotions of his listeners as the skilled harpist plays upon the strings of his instrument. His rhetoric was simple, but smooth and elegant. He habitually used simple Saxon words. He was not a phrase maker, and your attention was never distracted and diverted to catch and try to remember a curious phrase or a well turned sentence. In this respect his manner of speech resembled Wendell Phillips. I cannot repeat from memory a single paragraph or sentence from any of his speeches, and

I scarcely regret this, for I could not repeat them as he said them.

I know of no written or printed work of his extant to-day, so that his fame rests entirely upon tradition, and in the memories of those who are now all past the meridian of life.

I was his law partner at two different times and sustained that relation to him in all from fifteen to eighteen months.

He was a man fully six feet in height, erect, splendidly proportioned and a decided blond in complexion.

The gentleman to whom I have before alluded as having been a fellow student at Dartmouth, said that when Johnson was a student in college, he thought him the handsomest man that he had ever seen. That he had often seen him bathing, that he had a perfect form and a skin as white as alabaster, and that he then thought him a perfect model for a statue of an Adonis.

He always wore a frock coat cut in Prince Albert style, buttoned with the top button and was nearly always seen with an unlighted cigar in his mouth. He was a pedestrian, usually taking his walks alone, and he had the curious habit of nearly always counting his steps when walking. He could tell how many steps there were from our office to the court house, or to other prominent buildings or points.

He was a good lawyer and well grounded in the elementary principles, but he was not a student after I knew him. He would sometimes take down a book turn quickly to the page he wanted, read for a few minutes and return it to its place, apparently to re-

fresh his memory upon some point, but I seldom knew him to study up the law of any case he had in hand with any thoroughness or diligence. He never possessed any books, law or otherwise, of his own. He did not seem to be a great reader of miscellaneous books, but he had a keen appreciation of good literature, and he seemed familiar with the productions of the great poets and dramatists.

He was not usually a talkative man, rather inclined to be reticent and solitary in his habits, but at times and when in the mood, the most delightful and entertaining of companions, when he would indulge in sentiment, wit, humor, or interesting and entertaining reminiscences, and these conversations had a fascination equal to his finest public efforts. He seldom indulged in quotations.

The late Judge J. C. Hopkins, with whom Johnson was associated in business for some two years, asked me some years after his death, if, while I was with him, I ever discovered any evidence of his writing out or preparing before hand any of the fine passages of his speeches before their delivery. I replied in the negative. He then referred to a certain case in the circuit court of this county in which they were engaged for the plaintiff, and remarked that he had always thought that Johnson's peroration in closing the argument in that case was the finest specimen of oratory that he had ever listened to, but that he had always supposed that it was impromptu and inspired by the occasion, but that recently in removing some old office furniture, he had found it written out in Johnson's handwriting, word for word as he had delivered it.

That he could speak, however, with great power and eloquence extemporaneously I have reason to believe. I have heard him do so on occasions which seemed to preclude the possibilities of preparation.

Hon. Alex. C. Botkin many years ago related to me this experience of his own with Johnson. In one of the political campaigns, soon after the close of the civil war, he said that he and John C. Spooner were ambitious to accompany him during the canvass and to speak with him from the same rostrum, hoping to gain some valuable experience and lessons in public speaking. They easily made an arrangement to accompany him accordingly. The trio had an appointment to speak at a place a few miles west of this city. Late in the afternoon, they sought Johnson to make arrangements for going to the place of meeting and found him intoxicated, and in such a condition that they thought it impossible for him to make a speech or even to go to the place. So they went alone. Botkin spoke first and having heard Johnson's speech several times and having a good memory, he concluded to take advantage of Johnson's absence, and enhance his own reputation with the audience by giving them Johnson's speech. To his consternation, just as he had concluded, Johnson walked into the room. Botkin had just time to whisper to him and say, "I wish you wouldn't do much of Wisconsin's hundred thousand young men who bore her banner, etc., (alluding to an eloquent passage in his speech) for I have been doing a little of that myself to-night." Johnson took the hint, and replied, "all right" and then proceeded to make an almost entirely new speech containing passages as

fine and eloquent as any in the one he had been delivering during the campaign. Mr. Botkin in relating this, said that if Johnson extemporized that speech under the circumstances, and considering the condition he had been in during the day, it was simply marvelous.

Johnson was the best examiner of a witness, especially as a cross-examiner, that I ever knew. In saying this, I am not unmindful of the late Jonathan E. Arnold, whose remarkable skill in this respect I well knew and fully appreciated. However, hostile and antagonistic the witness may have been at the beginning, before he was through he was bound to tell Johnson not only all that Johnson wanted to know, but everything he knew or could guess about the facts of the case.

Johnson's language in public or private was pure and chaste. He loved to hear a good story and could tell one admirably, but I do not remember to have ever heard him tell a vulgar or indecent one.

One evening just before the assembling of congress this fall, I was at the residence of Senator Spooner. During our conversation, he spoke of Johnson, and remarked: "What would I not give if I could hear that man speak again. I know that I would walk to Blue Mounds to-night if I was sure that I could hear him examine a witness and sum up a case tomorrow morning." Continuing, he said, "I have often thought of him as I have sat in the senate, and how I would like to see him walk down the aisle, tall and erect, to address the senate. I know that there is no man there now who is his equal as an

orator and I feel certain that there has never been a member of the senate who was his superior."

There is every reason to believe that J. W. Johnson could have reached that place, or almost any other political position he might have aspired to, but for his besetting failing of intemperance, and it must be confessed also, his lack of moral integrity.

He was the most popular man with all classes that I have ever known. They loved and admired him and were ready to forgive his transgressions not only seven times but seventy times seven, and yet he never seemed to use any efforts or arts to promote his popularity. His bearing was always dignified, accompanied by a certain reserve which discouraged undue familiarity, even with those who were his social equals.

From the time I first knew him, his face bore the traces of dissipation and had lines of weakness, and I often wondered where his undoubted strength and ability were concealed, but when I looked upon his dead face, I saw it all. Death seemed to have removed every trace of weakness—the face had become strong—the head massive. I could only compare it to the head and face of Alexander Hamilton, though unlike in feature, as represented in his statue, heroic in size, as it stands in the rotunda of the capitol in Washington.

This peerless orator was buried by his brethren of the Madison Bar and sleeps in an unknown and unmarked grave in Forest Hill cemetery.

WISCONSIN LEGISLATION.

JOHN M. WHITEHEAD.

Mr. President and Gentlemen of the State Bar Association:

The subject assigned to me some weeks ago by the committee was a study of the state legislation of Wisconsin, with a view to determining its stability, its extent and its cost. If I had not served two sessions in the legislature, I should probably have undertaken the subject with more rashness and with an expectation of doing more with it than I did. But, in looking over the session laws for the last twenty years, and recalling experiences which I had, in common with other members of the legislature, in the summer of 1897, in our work upon the revision of the statutes, there were some interesting suggestions which came to my mind, and some of them I venture to bring before this meeting this afternoon.

As you know, the legislature is made up of one hundred assemblymen and thirty-three senators, and that the bodies change rapidly. There were only about a quarter or a fifth of the members of the assembly in 1897 returned in 1899. In the senate, there were nine new senators. It is difficult to preserve continuity of work where the membership of the legislature changes so often, and that is one fact to be born in mind in studying the legislation of our state. To one who has attended several sessions in

succession, there is a great relief in the work to be done by the knowledge one thus acquires of the bills which are offered to the body for its action, and of course the labor of eliminating bills that at sight are recognized as old acquaintances is very much lessened to those who have had several successive sessions.

These bills come from various sources, but I suppose a majority of them are drafted by the lawyers. The people of the state and the press often make light remarks of the legislature and of the work which it accomplishes. There is a sort of traditional feeling when the legislature meets that its work should be hurried, and that it should not continue in session more than one hundred days, and, if the session be drawn out beyond that limitation, there are many manifestations of impatience and much criticism of the length of the session. Now the time spent in the legislation of the session is really very short, when you consider the inexperience of a majority of the members to which I have referred, and when you come to study the session laws, say for the last twenty years, and observe the increase in the number and the increased difficulty of the subjects proposed for legislation.

The members of the bar, then, are interested to-day, in fair criticism of the methods of the legislature, and in suggestions for the improvement of those methods; they are interested, also, in the general form and style, both in which legislation is proposed, and in which it is finally enacted. The work of the lawyer comes in here, and I think every member of

the bar of this state owes it to himself, to his profession and to the community to make a study of the legislation of the state with a view to its improvement. It is subject to improvement. There is great opportunity for a lawyer to whom a bill is submitted for the first time for his inspection and counsel, or by whom a bill is drawn, not only to study the scope of that particular bill, but to study its relations to all the other statutes already in force.

One of the common ways in which bills are brought before the legislature is for members to resort to the library with a thought in their minds as to a subject in respect to which legislation is to be asked for, and, after the law of some other state is discovered, it is relatively an easy task to make a copy of that law and introduce it in the legislature as a bill. Many of these bills that come before the legislature in this way become the pet measures of members. Those of you who have served in the legislature know how much members become interested in their bills. You know how many times concessions have to be made in order that the legislature may move forward and the results of the committee work expedited on the floor.

Now, the bills, both those drawn by our lawyers, and those which are copied from the statute books of other states, drawn probably in the first instance by lawyers, represent substantially the present condition of the legislation of this state. If it be good, if it be satisfactory, if it be consistent, it is a tribute to the wisdom, fidelity and industry of members of the bar. If it lack anything essential to make it conformable to high standards the blame must rest

on our profession. There are comparatively few lawyers in the legislature; perhaps a third of the senators in the past two sessions have been members of the bar; perhaps a fifth or a sixth of the assemblymen last winter were lawyers, not so many the year before. When it comes to changing the form of a bill, when it comes to adapting it to the legislation already in force in the state, that work falls principally upon the lawyers who are in the legislature.

Two years ago, Governor Scofield, in his annual message recommended that the legislature consider the propriety of establishing a commission on the statutes. The scope of the commission was to be like that in some states. It would pass upon, not the merits, but the form of bills proposed, and report upon their effect upon existing legislation, with such amendments and changes as existing legislation and the symmetry and completeness of the bill itself seemed to require. This commission would continue to serve from session to session, and would give the statutes constant study, and bring before the legislature continually the results of its investigation. There is opposition in this state to commissions; the people look with suspicion upon that sort of public service, both on account of its expense, and because they seem to feel that the legislature itself, the body which, under the constitution, is invested with all the legislative power of the state, comprises also all the needed legislative wisdom. Perhaps it is not necessary, perhaps it is impracticable, to ask the legislature to do anything with the recommendation that the governor made for a commission. It certainly was passed over without any action two years ago, and

was not revived last winter. We have had in the two houses for the past two sessions committees on the third reading of the bill. It is supposed to be the function of this committee to take the bills in hand just before their final passage and correct any infelicities of expression, clear up incongruities and confusion, and put the bill in shape to be enacted into law. But I think that the result of this committee work has not amounted to a great deal.

This suggestion has come to me from a study of the matter; that there might be a joint committee appointed by the legislature—a standing joint committee of the two houses—consisting of the best men of both houses, to be called the standing committee on the revision of the statutes. This committee could not accomplish a great deal during the session of the legislature. Two years ago, when the statutes of 1898 were pending, a joint committee was appointed by the two judiciary committees, with the expectation that this sub-committee would take charge of the revisers' bill and proceed with their examination of it, and of the various amendments that were to be enacted during the winter, and to be incorporated into that bill, so that by the close of the session, the work of revision would be pretty well abreast of the session's work. A few sessions of that committee were sufficient to satisfy its members beyond any question that no satisfactory progress could be made during the session without the entire sacrifice of their participation in all other legislation, and without neglecting duties that were laid upon them by the districts they represented; so that, after a few weeks, the committee suspended its meetings and its work entirely,

and nothing further was done until the legislative session closed, and then this sub-committee met in continuous session for two months or more and concluded its work. This committee that I speak of now could not accomplish any more during the session of the legislature in all probability than the committee two years ago accomplished; but, after the bills of the session have been acted upon, and are in shape to finally become laws, would it not be the judgment of the lawyers of this association and of the state that it would be advisable for the legislature to adjourn for a sufficient length of time to enable this committee to complete its revision of the winter's work? Might not the legislature reconvene for a few days, after three, or four, or six weeks perhaps have passed, when this committee might report for action a bill like that which was prepared two years ago, embracing a revision of all the general legislation of the winter. It would necessitate, perhaps, some rearrangement of the machinery of the legislature, but that is of small moment, and could be I think, easily effected. I don't know of any reason why the machinery of the two houses could not be adapted to such a plan if it be deemed practicable. It would save a great deal of printing and a great deal of confusion. There is scarcely a session of the legislature when bills are not introduced for the repeal of bills passed at the same session, or for amendment of bills, or for the construction even of bills passed at the same session.

Now, it might seem that legislative bodies were open to criticism because of such loose methods of legislation, but there is sufficient excuse, if you are

acquainted with the rush and bustle of the session—if you know how many men come from their homes here to see their members, and take up their time day in and day out—how much time is spent in trifling matters, personal matters, in matters that are wholly selfish and of no public interest whatever—how much time is taken up in correspondence, answering applicants for office—how much time spent in running around the building to see men who have authority to appoint men to office. If you are acquainted with the methods of committee work, you know that the leading committees of the two bodies are continually in session from the adjournment at noon, allowing time for meals, until almost time for and often after the evening session. You have, many of you, perhaps, appeared before these committees as the advocates of bills pending there, or in opposition to bills, and you know something from your own observation, if you have not been members of the legislature, how the time goes. The legislative work is done as well, under all the circumstances, as you have a right to expect it to be done. The work of the legislature would be greatly facilitated if the lawyers would prepare the bills with greater care, and prepare them with reference to the legislation already in force. You know, as lawyers, how difficult it is to construe a new law. You have sat down, perhaps, as I have seen lawyers do, with pencil in hand, with a long section that covers one or two pages of the session laws before you, carefully striking out word after word and sentence after sentence until you get down to what you call the “bones” of the section—until you get some idea of what was intended

by the section—what was aimed at—what it means. You have found your efforts to construe such sections a most laborious process. Well, we find it difficult when we meet in committee to understand these involved sections—these long bills—and we depend very much on members of the bar, who come in behalf of these bills, upon the statements they make about them. We sit and listen to them as they take up one of these long bills and explain the various portions, what it covers and what it does not cover, and, if we think it is meritorious, if we think it aims at subjects which ought to be legislated upon, the best we can do under the circumstances is to recommend the bill, with perhaps some amendments that grow out of discussions before the committee and between the members of the committee. That is not the best kind of legislation, not the kind of legislation that business men, men of experience, of ability, and men who are familiar with the decisions of the courts of this state are able to furnish. I think that a lawyer owes it to himself, when he brings a bill before a committee of the legislature and asks its consideration, to have it so carefully drawn that it may be *understood*—as a man may read any other clear statement of a proposition—not only as it stands by itself, but as it is to stand if it become a law, on the statute book with reference to all the other statutes.

I may illustrate by a reference to one bill passed last winter, in order to show what I think can be done in this way. I turn to the session laws of 1899, and I select at random without looking at the title or the contents of the section,—I select a section

which covers a page, and I attempt to see what the section means, whether its construction and expression may be improved and abbreviated, and whether it may not be placed in shape; not only to be understood, but to dove-tail more readily into the statutes. This bill relates to the limiting and restricting of actions involving the validity of proceedings by cities to adopt the provisions of the general charter law. The title itself is wordy and voluminous. The revisers in their work two years ago went through the sections of the revisers' bill section by section, and, wherever possible, struck out expressions which added nothing to the bill, but which are very common in our legislation. Of course, the statutes that this legislature pass relate only to Wisconsin, and it is not necessary to use over and over "in this state" or "of Wisconsin," or some such expression as that. It is not necessary to say "duly this" and "duly that," It is better to state clearly and distinctly what is to be done, and leave out these expletives, which only add to the bulk and to the cost. Now this section is, as laws go, well enough drawn. It may be understood without the use of a lead pencil even. I don't know who drew it or where it came from. I see it is a senate bill. If you will permit me to read it, then I might suggest what I think might be a revision of this section, in view of what I want to say about the revision of the session laws hereafter from winter to winter: I read: "In any case, whether occurring heretofore or hereafter, where the common council of any city incorporated by special act shall have undertaken and assumed to adopt in whole or in part the provisions of the general city charter law of

this state, and such city and its officers shall have assumed to act under, and to exercise the powers conferred by, the provisions of law so assumed to be adopted, any question of the validity of such assumed adoption and of the ordinance and proceedings therefor may be tested by certiorari or by any other proper action or proceedings brought directly for the purpose of vacating or setting aside the same at any time within three months after such assumed adoption, but not thereafter; provided, that, as to all such cases prior to the taking effect of this act, such direct action or proceeding may be commenced within three months after the passage and publication of this act, but not thereafter."

So far, all is one sentence. There are sentences in the statutes which are four times as long as that. That has 162 words. I continue:

"No such assumed adoption nor any ordinance or proceeding for such adoption of the whole or any part of such general city charter law shall be in any manner called in question or held to be invalid in any action or proceeding except one brought directly for that purpose within the time hereinbefore limited therefor, unless the same shall have been duly vacated or set aside by a court of competent jurisdiction. The provisions of this act shall in no manner affect pending actions."

Now, as I understand that section, there are three things to be accomplished: *First*: The city may test the validity of its own proceedings by an action which it brings within three months. *Secondly*: If nobody else proceeds to test its validity within three months, we have a statute of limitation. *Third*:

This proceeding shall not affect a pending action. Now it seems to me that, if we have ascertained the meaning of the act, these three thoughts can be expressed in about one-third of the space, so that one is not out of breath when he has read the section, and has it somewhat photographed on his mind when he reaches the period at the end of it. I would suggest this: "Within ninety days of the adoption of an ordinance under section 926, or of the taking effect of this act, the city may test the validity thereof by an action." Our statute defines an action. Of course, it must be brought in a court of competent jurisdiction, and for all actions, the courts are equipped. Now the second provision could be covered and it could be dove-tailed immediately into the general charter as it already exists. There is a provision, sec. 925-21, which relates to a limitation of ninety days on an action to test the validity of an ordinance relating to the annexation of adjacent territory. If that section, though it be not very long, be divided—the first sentence to stand as it is, and the second sentence to make a new section covering an ordinance either for the adoption of a provision of the general charter, or relating to the annexation of adjacent territory, expressed in general language, we have covered our ground.

We attempted last winter, in view of the recent revision, as far as we could, to put the amendments to the statutes into sectional form, and to give them sectional numbers. If we had studied this act, which was passed at the very end of the session, and had put it into some such sectional shape as this, our attention would have been directed to this provision,

and we could have widened it out to cover the proposed case in two sections.

Now if the work of the winter were revised at the close of the session, and the session laws were all enacted in the form of sections and given their proper place in the statutes, printed on the same sized paper, and the same kind of type, and bound up in good style to go along with your statutes, you would have a book of not more than a third of the thickness of the session laws, and in such shape that your statutes would be revised to date. I see no good purpose to be served in piling up this voluminous matter in session laws, with all the titles, enacting clauses, enabling clauses, which are the same in all the bills. If the original bill be preserved in the secretary of state's office, it will serve every purpose. What we want to know in the practice of the law is, what new statutes were adopted by the legislature, and, as lawyers of the state, we ought to take pride, not only in knowing what the new sections of the statutes are, but in opening the book and seeing them in just as good shape as they can be put in. Turn to the session laws of last winter, and you will see page after page of amendments to the revision of 1898, five or six pages here of sections that were amended. The time to correct a difficulty is at the very session where the law is enacted. Every member here will remember how we were inquired of when we brought in the revisions: "Have you changed the law?" Every member will remember how reluctant we were to make even a verbal change, even if it improved the section. We dared not make changes, and in fact we were instructed by

the legislature not to make changes. And yet we ought to be willing as lawyers to make changes when they can be made for the better. If we could have shorter sections, shorter sentences, and have the legislation of every session codified up to date, we should have statutory work that would be appreciated by lawyers, and have it in such a shape that even the laity could understand it easily.

I think it is a mistake to print the annotations with the revision. They are an excellent help, but they should be printed in separate volumes. I believe it would be a very advantageous thing, not only to have the work codified, but to have the annotations brought down every two years so that the annotations would be fresh. For my part, I find it an inconvenience to have sections which are closely connected separated from each other, and I must find out for myself what the statute contains. If the sections can be put in such a shape that they may be readily understood, short sentences in short sections, the work of every session carefully sifted and carefully expressed, we shall not have such a biennial succession of amendments. We ought, as lawyers, when we have put into the statutes a new section, feel that it is bedded down to stay, that we have taken enough pains in the expression and arrangement of it to make it worthy to stay, and we shall not have so much of this chopping up in order that some new word or further modification may be incorporated. Make the provisions of your bills general, gentlemen. If you want to provide for a notice, look ahead, study the general law, and see what your notice may cover, or what your limitation ought to cover. The sug-

gestions for our legislation comes to us because of the difficulties of the people, or the difficulties of administering existing law in localities not thought of, and under conditions not anticipated. Nearly all legislation that lawyers bring forward is the result of some difficulty they have encountered, and too many times, and it cannot be too strongly censured, their requests grow out of the litigation that these lawyers are conducting which they wish to help along by a legislative enactment.

It seems to me that these suggestions looking to the improvement of our legislation are worthy of the considerations of the lawyers of Wisconsin, and I bring them to you as the result of what little experience and observation I have had, both as a member of the legislature for two winters, and a member of the committee on our last revision, which revision was the most laborous undertaking in which I was ever engaged.

One more suggestion--and I have understood from Mr. Berryman that it is the plan that is followed in New York: the legislature should not again undertake to revise at once this enormous bulk of our statutory law. The next revision should be progressive, should be topical. The very bulk of the statutes forbids taking it all at once; the very labor of it is too exhausting. Errors will creep in, and you will be dissatisfied with the work, simply because it is too enormous to be taken up at once. The plan which I understand the New York legislature follow is to take, for instance, insurance, and revise that, putting it in as good shape as possible, and when that is accomplished, passing on to another subject. It seems

to me that, in the arrangement of the statutes, if we could come more in harmony with the accurate system of indexing their business that prevails among business men and in corporations, we should be great gainers in time and in the saving of labor and expense. It would be an advantage, if I want to know something about a notice, to find all the provisions of law with reference to any kind of a notice, in one chapter. I should be able to find all I want to know about officers' fees in a chapter relating to fees. The chapter can be so arranged so that I might turn to a particular part of it for any special information and know that no provision relating to fees can escape my attention. You know how many different notices are described for publication in a newspaper, and how many descriptions of posting and mailing notices there are. Your labor and the labor of the legislature may be reduced. When we learn to treat these matters topically in the legislative committees, we shall be less likely to overlook or duplicate a provision already there.

Think of the mass of legislation that has passed over this desk in these years of our statehood. There are seven hundred pages in this volume of session laws of 1899. All these laws are supposed to have been acted upon intelligently. It is beyond reason to expect that members of the legislature can grasp the full significance of four or five hundred different laws that they pass in one session of one hundred days, to say nothing of five or six hundred bills that they do not pass. The members of the Bar Association owe a great duty to the state of Wisconsin, and to the courts, to make a study of our statute laws. If

we are putting a section into the statutes, let us have it in such shape that it may be preserved. This result will be attained by the painstaking of lawyers.

It is an interesting study to trace the history and development of legislation. If you have been in the legislature, and if you think of the legislation that has been recently pending, and note the development of legislation as traced by our worthy president in his address last night, you will see how complex and difficult questions of legislation are becoming. If you will go back over the session laws on your shelves, and observe the small amount of legislation of thirty or forty years ago, compared with the legislation of the present time, and consider the questions of public health, public order, and the maintenance of public institutions, which our complex social system and manner of doing business involves, you can get a fair idea of the difficulties that confront new members of the legislature, who come here from shops and farms, to say nothing of those who come from law offices, but without experience in legislation. Lend a hand, gentlemen, whenever you can. Who can say how much improvement will be shown as a result of your professional assistance?

ORIGIN AND GROWTH OF THE RIGHTS OF THE ACCUSED.

E. RAY STEVENS.

In the year 1670 in the prisoner's dock in the old Lord Mayor's court of London were two persons who, by keeping their heads covered in the presence of the court, as well as by other peculiarities of dress and manner, proclaimed themselves Quakers. They were charged with preaching to a concourse of people in Greenchapel street to the terror of the people and against the peace and dignity of the commonwealth. No counsel represented them, no witnesses had been called in their behalf, the only right accorded them was that of telling their own story to the jury. It appeared that their church had been closed by the officers of the Puritan government and that for want of other meeting place they talked to the people in the street.

Eight of the jurymen have returned to the court room to announce that the other four have not agreed with them. The offending four are brought in and abused roundly by the court. One juror, Bushell, is singled out for special abuse; he is told that he is a disgrace to any jury, and he retorts: "I would not be on the jury if I had not been compelled to come." The jurors are sent out again, and finally come to announce that they find the defendants guilty of

speaking in the street. Again Bushell and the rest are berated and sent back. Again they return with a verdict of guilty of preaching to an assembly. This is too much for the court. The verdict is greeted with: "Gentlemen you shall not be dismissed till we have a verdict that the court will accept; and you will be locked up without meat, drink, fire or tobacco; you shall not think thus to abuse the court. We will have a verdict by the help of God, or you shall starve for it."

Upon this one of the Quakers, who is none other than William Penn, the founder of Pennsylvania, objects to this treatment of the jury. The only reply of the court is the command to the bailiff: "Stop that prating fellow's mouth, or put him out of court."

The jury do not return again until a night has passed, and then with the same verdict. Again the same abuse by the Lord Mayor, in which poor Bushell is threatened with having his noseslit if the defendants are not convicted. Again Penn's objections are met with the command: "Stop his mouth; jailor, bring fetters and stake him to the ground."

Despite their protests that they had given their verdict, the half famished jurors are sent out again, and finally on the next day return a point blank verdict of not guilty. The court is forced to accept the verdict, but fines the jury forty marks and commits the jurymen to prison until these fines are paid. Penn and his fellow prisoners demand their liberty, but instead are found guilty of contempt of court because they have not uncovered their heads in the presence of the court and are committed to prison

for punishment. We are glad to know that both of the defendants and all of the jurymen are subsequently released by order of a higher court without paying fines or suffering long imprisonment.

This is the last recorded case in which the court attempts, by threats and intimidations, to force a jury to find such a verdict as the court desires. But prior to that time, the history of the courts is filled with instances in which the jury were coerced into a verdict by means of fines, imprisonment or the want of food or other physical comforts or necessities.

Another man prominent in the history of America, figured at an early date in one of the well known state trials, in the days when the defendants in such proceedings had few rights that any court felt bound to respect. Sir Walter Raleigh was charged with high treason; Coke was prosecuting officer, and the case claimed the attention of one of the highest courts of the realm. The evidence against the accused consisted almost entirely of the *ex parte* confession of one Cobham. Raleigh produced a letter from Cobham flatly contradicting the confession and asked that Cobham might be called as a witness to testify in open court. This request was refused. The accused was without counsel; he was battling with one of the greatest lawyers of his time; he came from a close imprisonment that gave no opportunity to prepare his defense; he had no means of procuring witnesses, and no right to introduce evidence if he had procured the witnesses. Every indignity was heaped upon him. The following passage at arms will give some idea of the manner in which the trial was conducted.

Coke (addressing Raleigh): Thou art the most vile traitor that ever lived.

Raleigh: You speak indiscreetly, barbarously and uncivilly.

Coke: I want words sufficient to express thy viperous treason.

Raleigh: I think you want words indeed, for you have spoken one thing half a dozen times.

Coke: Thou art an odorous fellow. Thy name is hateful to all the realm of England for thy pride.

Raleigh: It will go hard to prove a measuring cast between you and me, Mr. Attorney.

Coke: I will make it appear that there never lived a viler viper upon the face of the earth than thou.

We are not surprised to know that Raleigh was convicted. A contemporary writer said: "To be accused of crime against the state, and to be convicted, are almost the same thing."

In tracing the slow process by which the rights of accused persons gained recognition, we find that, from earliest times, persons accused of crime against the public have been proscribed. In Athens and in Rome and among the Anglo-Saxons and the Normans, all participation in public affairs was denied the accused. In the primitive courts of our forefathers, where we first find the jury, the giving of evidence was a public function like the holding of office. Indeed, the accused could not have given evidence, because of the fact that the same persons gave the evidence and decided the cause.

Those first jurors were chosen because they had knowledge of the facts in controversy. With the slow evolution of the courts, the jurors became triers

of fact alone, while witnesses were called to give the evidence. With this change in the organization of the courts and in the method of trying causes, the reason for the rule rendering the accused incompetent had been removed, but this old rule was tenaciously adhered to for centuries. In fact, we have recently arrived at the stage where the old, arbitrary rules excluding certain classes of witnesses have been replaced by the more sensible ones excluding certain kinds of testimony.

It is interesting to note that our distinction between the record and the bill of exceptions comes down to us from the time of those early jurors, who combined in themselves the double function of jurors and witnesses. When the jurors themselves knew the facts in the controversy there was no need of testimony. A complete record of the proceedings in court was made up of what we now call the pleadings together with the verdict of this jury and the judgment. When the courts began to take testimony, this testimony was no part of the record as established in these ancient courts and could only be made such by some procedure similar to the modern one of settling a bill of exceptions.

It will be noted that before the modern jury had its beginnings, in the time when mooted questions were determined by compurgation, by the wager of battle or by the ordeal, the accused was not disqualified. This disqualification came only when the courts were so organized that the introduction of evidence, as distinguished from compurgation, becomes essential to the determination of disputed questions. We owe our peculiar system of legal

rules which is grouped under the designation of the law of evidence, to the jury system. Without the jury our law of evidence would probably be as undeveloped as it is in those continental European countries where the jury is called only in criminal cases.

These rules of evidence are not based on logic, but have been slowly evolved from judicial experience with untrained minds which must be tied down to the question at issue, so that all incompetent testimony may be excluded. The jury itself arose silently and gradually out of a state of society that has long since passed away. It does not owe its origin to any positive law, but was established by a process of slow and gradual growth.

With the abolition of the ordeal in 1215 there was left but one method of determining the guilt or innocence of one accused of crime, that of trial by jury, which had its beginnings a half century earlier and more. Far from being a right guaranteed to the accused, this right to trial by jury was something to be purchased with gold or influence. It became very popular after the abolition of the right to establish one's innocence by compurgation about the middle of the twelfth century as, after this time, it afforded the only means of escaping conviction under the ordeal. When the ordeal was abolished early in the thirteenth century, the trial by jury was the one method that remained of trying accused persons, and this one method could be employed only when the jury was demanded by the accused. No one was compelled to have a jury trial. Those accused of crime soon discovered that, if they did not demand

a jury trial, they might escape punishment, as they were no longer compelled to go to the ordeal. Then follows the adoption of one of those interesting expedients, so often resorted to in the course of legal history, by which the result desired is accomplished without attempting to remove the cause of the trouble. The courts met the emergency by committing the defendant to prison, where he was stretched upon the floor, with heavy stones piled upon his breast, while he was regaled with stale bread, bilge water and other similar delicacies until he demanded a jury trial. Thus did the old judges administer justice, at the same time keeping sacred the right of the accused to have a jury trial only when he demanded it.

This practice was not abolished in England until about the time of the Declaration of Independence. It was frequently called into use on this side of the Atlantic. During the witchcraft troubles in Massachusetts, one man died under this treatment rather than demand a jury.

Even after the jury had become the established means of trying causes, the procedure in the courts had few points in common with the jury trial of today. It consisted largely of an argument between counsel for the prosecution and the prisoner; the latter usually untrained in the ways of courts and lawyers and at the mercy of counsel, time serving judge, and subservient jury, was at a decided disadvantage in the contest. Each point was argued as it arose, the course of the testimony depending largely upon the admissions and denials of the accused. The testimony for the prosecution was given almost entirely by means of *ex parte* confessions taken without the

consent or knowledge of the accused. When the testimony was closed, the judge summed up the case, and, with the verdict of the jury, the trial was over.

As the verdict of the jury was considered the expression of the all-wise Creator as to the guilt or innocence of the accused, there was no provision for an appeal. But sooner or later the old jurists seemed to have lost faith in the divine inspiration of juries, for we find creeping into the judicial system a provision for the trial or attainder of any jury that had apparently failed to render a just verdict. The forerunner of our court of appeals is this jury of twenty-four men called to try the twelve who had rendered a false verdict. This attainder of the trial jury was long in use both in England and in this country; in Georgia, for example, even to the time of the American revolution.

The early barbaric trial was based on the idea of divine intercession on behalf of the innocent who happened to be accused of crime. If a man be innocent, fire would not burn his flesh, nor boiling water scald it; such was the belief of the early judicial mind. When these old modes of trial had been left behind and something that foretold of the modern trial had come in their place, this old idea that some invisible power would protect the innocent still prevailed. While the prosecution had counsel to conduct, and witnesses to establish its case, the accused was left without the aid of counsel, for, to quote the reasoning of the time: "If innocent, he need not have counsel, if guilty, he ought not." It was argued that the accused did not need witnesses or the means of procuring evidence in his own behalf, for, "In

order to convict, the proof must be so plain that no one would contend against it."

To understand the attitude of those who argued in this way, we must remember that the jury came simply to replace the ordeal. Like the ordeal, the jury was considered a method of appealing to Deity, who, being all powerful, would certainly protect the innocent. If the Creator watched over the rights of the accused, it seemed to these men of olden time that it would be vain indeed to procure counsel and witnesses for him.

The scandals connected with the administration of the criminal law had become so marked that, with the coming of the Puritan Revolution, radical changes were made in criminal procedure. Chief among these was the right of calling witnesses on behalf of the accused and the right to cross-examine witnesses called by the prosecution. But the accused was still at great disadvantage. He was not allowed the assistance of counsel; there was little protection against perjury on the part of opposing witnesses; he was confined in prison up to the time of the trial and had little or no opportunity to secure his witnesses or prepare his defense.

As a matter of clemency toward the accused, he and his witnesses were not sworn because it was said that, if they were not bound by oath, they would "speak more largely and beneficially for the accused." The jury, however, were cautioned not to give too much weight to testimony not taken under oath. Much evidence was introduced that was not relevant to the issue. As yet, the courts had not learned to exclude incompetent testimony. The witnesses made

long speeches, and altogether these old trials remind one of the recent Dreyfus trial in France.

In course of time, counsel was admitted to assist accused persons in their defense and to examine the witnesses for them. But as yet the accused alone was given the right of addressing the jury. For, said an old judge: "No one knows his deeds as well as the accused himself." These rights were but slowly extended. Even as late as 1760 we find that an accused person was compelled to conduct his own defense, examine and cross-examine the witnesses, where the issue tried was on his defense of insanity.

It was not until the last half century just closing that the rights of the accused, as we understand them, became recognized and established in England.

These rights did not come to the accused as the result of any positive legislative enactment, but came rather through the efforts of the courts in the administration of justice. The London *Spectator* speaking but little more than a decade ago, upon the occasion of the removal of the last of the restrictions upon the rights of the accused, said in regard to the ancient court procedure: "The law was reduced to a game of mixed chance and skill, presided over by justice, who was very properly represented as blind, as she had always to be taking leaps into a subjective darkness."

In passing judgment upon these early English courts and upon the slow development of the rights of the accused, we must not forget that these courts existed at the same time with the inquisition; and that, unjust as may have been the method of pro-

cedure, it was far in advance of that of continental Europe. Nor were those early courts, with their somewhat barbaric procedure wholly unsuited to the time in which they existed. The people were not ready for our modern judicial procedure. Government was based upon force; and the courts formed no exception to the rule, that only those instrumentalities of government that showed that they had power and force behind them commanded the respect of the people.

The history of much that we have considered is the history of our own law before it was transplanted to American soil. It is of interest to note that the fear of courts and lawyers that, such proceedings as we have considered had engendered among the people of England, came to this country with the early Americans. Several of the American colonies passed acts denying lawyers the right to sit in their legislative assemblies, while others thought to scotch the lawyer if not to kill him by forbidding that any one take pay for giving advice or pleading for another in court.

In all American jurisdictions, I believe the accused is given the right to testify in his own behalf. In most, if not all, of the states, statutes have been passed declaratory of this right, but in many states these laws have been put upon the statute books within the memory of men still in active practice.

The history of the modification of the rules of evidence and procedure governing the rights of accused persons shows how profoundly such matters are influenced by the spirit of the time. In time of tyrannical kings the courts seem to be at a standstill as

regards these matters, again at the time of the Puritan revolution or at the time of the coming of William of Orange, or in the years following the Declaration of Independence, the onward progress is marked. Most of the advances made, most of the rights secured, have come without positive legislative enactment, but rather by that slow and subtle process by which ideas of justice are transmitted into rules of law to protect the rights of man.

MEMOIRS.

PREFATORY NOTE.

At the annual meeting of the State Bar Association held June 14, 15, 16, 1881, the president, Mr. Moses M. Strong presented a collection of *Biographical Sketches of the life and character of deceased members of the bench of Wisconsin and of some of the deceased members of the bar*. This collection was printed in the report of that meeting, page 45. At the annual meeting of this Association held in February, 1886, President Strong presented a list of the lawyers who had died since the meeting in 1881. This list was printed in the newspapers but no biographical data appear to have accompanied the names. Until the present time no extended or systematic effort to continue the work of 1881 seems to have been made. The following material represents the beginning of an attempt to furnish brief biographies of all Wisconsin lawyers, whether members of this Association or not, who have died between June 16, 1881, and February 12, 1900, the date of the last meeting of this Association. The committee anticipate and admit the criticism that their work is incomplete. Doubtless many deceased attorneys have escaped their search; certainly several are unchronicled because promised biographers have been dilatory or the biographical data at hand have been incomplete or insufficient. The committee hope that future committees in furnishing reports of deaths which have occurred immediately preceding the filing of their reports will supplement them by including matter which has for any reason been excluded from this report.

The committee request that all errors of fact in the following sketches may be forwarded so that proper correction may be made in later reports. The committee do not aim at effusiveness or eulogy, simply at accuracy of statement of historical events.

COMMITTEE ON NECROLOGY.

MEMOIRS.

JOEL ALLEN BARBER.

Born: Georgia, Vermont, January 17, 1809.

Died: Lancaster, Wisconsin, June 28, 1881.

His father was Judge Joel Barber and his mother Asenath Melvin Barber, daughter of Captain Melvin who served in the Revolutionary army during the war of Independence. In his eighteenth year he left his father's farm for the Georgia Academy, and in 1829 entered the University of Vermont. He commenced the study of law in 1831 with Hon. George P. Marsh, and was admitted to the bar in 1834 in Prince George county, Maryland, where he had been teaching for two years. He practiced law at Fairfield, Vermont, until September, 1837, when he removed to Lancaster, Wisconsin, where, for nearly forty-four years, he was a leading citizen. For five years he was chairman of the board of supervisors, for four years county clerk, and for three terms district attorney. He was a member of the constitutional convention in 1846. He served three terms in the assembly of Wisconsin, during one of which he was Speaker, and one term in the senate. He was a member of the forty-second and forty-third congress. While in congress he was a member of the committee on war claims, and of the committee on the revision of the statutes. In 1860 he was a presidential elector on the Republican ticket. His broad knowledge of legal principles and sound judgment in their application, with his high-mindedness and integrity of character gave him distinction as a lawyer and won him the confidence of all classes of people. Mr. Barber died leaving surviving his wife, Elizabeth Banfill Barber, and three sons and two daughters. Of his sons, J. Allen Jr., has served with honor in the navy. One of his daughters is the wife of Rev. Edward D. Eaton, D. D., President of Beloit College, and the other, of Professor W. T. Chandler, of Baltimore, Maryland.

JAMES SHERMAN BAKER.

Born: Lockport, New York, April 17, 1815.

Died: Green Bay, Wisconsin, March 27, 1892.

He studied law in Buffalo, New York, and was admitted to practice in that city. He removed to Milwaukee in 1842, where he opened an office in Wells' Block for the practice of law. He represented also the Protection Insurance Company, of Hartford, Connecticut. In 1847 his office was at No. 179 (old numbering) East Water street. The next year he removed to Green Bay. When the office of bank comptroller was



JOEL ALLEN BARBER.

created (Laws of 1852, chapter 479) Mr. Baker became its first incumbent by appointment of Governor Farwell. His term was from November 20, 1852, to January 2, 1854. For twenty years previous to his death he had charge of an abstract and land title office in Green Bay.

References: Buck's Milwaukee, II, 118; Milwaukee City Directory, 1847-1848; Wisconsin Blue Book, 1899, 144; Proceedings State Historical Society of Wisconsin, 1892, 20. This last reference gives 1845 as the date of Mr. Baker's removal to Milwaukee. I am inclined to prefer the earlier year because Mr. Baker certainly had an office in the Wells Block, and that building was destroyed April 11, 1845. Moreover he was admitted as an attorney of the Supreme Court of the territory of Wisconsin, July 18, 1842. 1 Pinney, 2.

JOHN BARKER.

Born: Sand Bank, Oswego county, New York, March 29, 1839.

Died: Baraboo, Wisconsin, November 17, 1889.

After attending common schools, acting as a clerk in stores and teaching school Mr. Barker was admitted to the bar at Syracuse, New York, in October, 1865. Immediately thereafter he removed to Baraboo where he resided until his death. He served as town clerk, town treasurer, district attorney of Sauk county and county judge for the unexpired term of Cyrus C. Remington, who died October 23, 1878. For the last nineteen years of his life Mr. Barker was engaged in the active practice of his profession. "He took great pride in having a large library and especially delighted in good law books. He had one of the best libraries in this part of the state. Shortly before his death he sold his law library to his successors for over four thousand dollars. . . . His early death was caused by some liver trouble contracted by his very irregular habits in regard to eating. When engaged in looking up a case he would forget all about time." He was a member of the Masons, in which fraternity he held high offices.

Reference: Sketch furnished by Herman Grotophorst, Esq., of Baraboo, from which above extract is made.

ALANSON H. BARNES.

Born: Turin, Lewis county, New York, April 15, 1817.

Died: Delavan, Wisconsin, May 10, 1890.

His early education was in district schools. He did not begin to study law until after his marriage in 1838. After studying law in the office of David M. Bennett, of Lewis county, Mr. Barnes was admitted to practice about 1846. After a career of ten years at the bar of his native state he removed to Wisconsin in 1856 and settled in Delavan. Here he toiled upon a farm as well as practiced law. On March 24, 1873, he was appointed by President Grant an associate justice of the supreme court of the territory of Dakota. This position he held (including re-appointment April 23, 1877) about eight years. Service in this court in these early days, especially in the Black Hills, or when presiding at the

trial of persons accused of crime was attended with great difficulty and required nerve and courage. Judge Barnes is said never to have wavered in the discharge of his perilous duties, which sometimes he performed with a Winchester rifle as his companion. Upon the close of his judicial career he returned with shattered health to Delavan.

References: History of the Bench and Bar of Wisconsin, I, 359; 1 Dakota Territory Reports, III; 2 Dakota Territory Reports, III. Judge Barnes' decisions while on the bench will be found in Volumes 1 and 2 Dakota Territory Reports.

HENRY DANFORTH BARRON.

Born: Wilton, New York, April 10, 1833.

Died: St. Croix Falls, Wisconsin, January 22, 1882.

In early boyhood he was apprenticed to a printer at Albany, New York. After three years he entered a law school at Ballston Spa, New York, and graduated there, earning his way by working at his trade. Moving to Wisconsin in 1851 he began life in Waukesha. In August, 1851, he purchased from George Hyer the *Waukesha Democrat*, changed its name to the *Waukesha Chronotype* and sold it in July, 1854. His propagation of democratic principles secured him the office of postmaster of Waukesha from President Pierce. In 1857 Mr. Barron removed to Pepin. In 1860 Governor Randall appointed him to fill the unexpired term as judge of the eighth judicial circuit, of Judge S. S. N. Fuller, resigned. His term having expired he removed in September, 1861, to St. Croix Falls. He was member of assembly in 1863, 1864, 1866, 1867, 1868, 1869, 1872 and 1873 (speaker in 1866); state senator in 1874, 1875 and 1876 and fifth auditor of the treasury of the United States from April, 1869, until January 1, 1872. Judge Barron resigned from the state senate in 1876 to assume the judgeship of the eleventh judicial circuit to which he had been elected. He died in office. Besides these positions he was a republican presidential elector in 1868 and in 1872; was regent of the Wisconsin State University from 1863 until 1876 and was vice-president of the State Historical Society from 1869, until his death. He received and declined the chief justiceship of the territory of Dakota in March, 1869. In 1871 he was appointed trustee for Wisconsin of Antietam Cemetery.

References: Wisconsin Blue Book, 1899, 159, 199, 148, 147, 205; Annotated Catalogue of Newspaper Files in the library of the Historical Society (1898) 201; Wisconsin Historical Collections, IX, 405, X 479; History of the Bench and Bar of Wisconsin, II, 446, where the date of his death is given January 23, 1882.

JOHN RICE BENNETT.

Born: Rodman, Jefferson county, New York, November 1, 1820.

Died: Janesville, Wisconsin, June 9, 1899.

He descended from Puritans who settled in Connecticut in 1668, representatives of whom have been conspicuous in the founding and build-



JOHN RICE BENNETT.

ing up of the social, religious and civil institutions of the country. His father, Daniel Bennett, was born in Stoneington, Conn., February 16, 1793, and his mother, who was Deborah Leeds Spicer, a granddaughter of Gideon Leeds, of Leeds, England, was a native of Groton, Conn., born April 15, 1792. Judge Bennett's parents removed at an early date to Jefferson county, New York, settling on a farm where his boyhood was largely spent. He had a strong desire for an education and made the most of his limited school privileges and became proficient in the ordinary branches. In the fall of 1839 he became a student in the Black River Literary and Religious Institute of Watertown, New York, where he fitted himself for teaching, in which he was engaged at intervals for several years, the remainder of the time being devoted to study. In April, 1844, he began the study of law in the office of W. W. Wager, of Brownville, and afterwards continued his studies in the office of D. N. Burnham, of Sackett's Harbor, until May, 1848, when he was admitted to practice in the courts of New York. The same year he came to Wisconsin, arriving in Janesville on the 13th of October. He immediately began the practice of his profession which he continued without interruption until his election to the circuit judgeship in April, 1882. He was elected district attorney of Rock county in 1862, and was re-elected at the close of his first term. In 1875 he received the nomination on the republican ticket for attorney general of the state but that year his party was defeated and he with it. In 1882 he was by almost unanimous consent, named for the position of judge of the twelfth circuit to succeed the late Judge H. S. Conger. He was elected by a large majority and was re-elected in April, 1888, and again in April, 1894. In many respects he was an ideal judge. He knew the law and was fearless in the exercise of his judicial functions. He had little regard for merely technical points, looking beyond them rather to what was just and equitable and to the great principles which should underlie all legal proceedings. In public address his style was concise and forcible with touches of humor occasionally illumined with a gleam of sarcasm. At the bar he was regarded as among the ablest lawyers of the state and was particularly distinguished as a cross-examiner of witnesses. It was sometimes said that he resembled Lincoln and had many of the mental characteristics that made the latter so great and beloved.

Judge Bennett was a republican and before he became judge let his political faith be known by his works. He was a delegate to the Chicago convention in 1860 which nominated Abraham Lincoln for president, and took a very active part in the stirring affairs of the war and reconstruction period. Judge Bennett was married at Hounsfield, N. Y., November 28, 1844, to Elsie L. Holloway, daughter of Charles Holloway, Esq., of that place. She was a woman of sweet and gentle manner, yet of strong character and her influence upon her husband and all whom she was closely related was ineffaceable. She died on the 28th

day of May, 1893. Judge Bennett departed this life at his residence in Janesville, leaving surviving him to mourn his loss two daughters, who now reside in the old homestead where the judge and his wife passed so many happy years.

CHARLES SWAN BENTON.

Born: Fryeburgh, Maine, July 12, 1810.

Died: La Crosse, Wisconsin, May 4, 1882.

Young Benton removed in early life into New York state, settling in 1824 with his mother at Little Falls, Herkimer county. In 1830 he entered upon the study of law with his brother, Nathaniel S. Benton, who for seven years was county judge of Herkimer county. For two years, beginning in 1832 he edited the *Mohawk Courier* and the *Little Falls Gazette* and was correspondent for the former paper until he removed to Wisconsin. In 1835 he was admitted to practice in the court of common pleas of New York, and in 1836 in the supreme court of that state. In 1837 Governor Marcy appointed him surrogate for Herkimer county. He served likewise as colonel in the New York State militia. In 1842 and 1844 he represented the seventeenth congressional district of New York in the congress of the United States. In 1847 he was selected clerk of the court of appeals of New York and held that position for two terms.

Early in 1855 he removed to Milwaukee, Wisconsin, and in that year bought a one-third interest in *Daily Milwaukee News* which he edited for one year from March, 1855. In 1856 he was appointed by President Pierce register of the land office at La Crosse, Wisconsin, a position which he held until the administration of President Lincoln. With the exception of four years spent upon a farm in Galesburg, Illinois, Mr. Benton resided at La Crosse until his death. In 1873 he was elected county judge of La Crosse county, was re-elected in 1877 but resigned, on account of failure of health in 1881.

References: Sketch furnished by his son Charles R. Benton, March 22, 1900; Wisconsin Historical Collections X, 482, which says, "He was a scholarly writer and highly respected;" Catalogue of Newspaper Files in the library of the Historical Society (1898) 158.

JAMES M. BINGHAM.

Born: Perry, Wyoming county, New York, February 3, 1828.

Died: Chippewa Falls, Wisconsin, January 8, 1885.

His education was received on his father's farm and in the district schools and academy of the vicinity. At the age of twenty he was engaged in teaching and in the study of Latin, Greek, French and mathematics. He studied law at Le Roy, New York, for two years. In 1853 he was teaching school near Detroit, Michigan. Soon after this he settled in Palmyra, Wisconsin, where he completed his



CHARLES SWAN BENTON.

legal studies and where in 1856 he began to practice his profession. He represented Jefferson county, Wisconsin, in the assembly in the sessions of 1863, 1864, 1869 and 1870, and was speaker in 1870. In 1864 he was major of the Fortieth Wisconsin Infantry. In 1870 he removed to Chippewa Falls where his first partner was John J. Jenkins. Later the firm was Bingham and Pierce. In 1874 Mr. Bingham was again in the assembly, now representing Chippewa County. From January 7, 1878, to January 2, 1882, he was lieutenant-governor of Wisconsin. He was also a regent of the state university.

References: History of the Bench and Bar of Wisconsin II, 453; Wisconsin Blue Book (1899), 160, 199, 142.

JOSIAH BOND.

Born: Drewsville, Cheshire county, New Hampshire, March 9, 1819.
Died: Kenosha, Wisconsin, October 27, 1891.

After pursuing the common branches of education as taught in his native town, Bond entered Trinity College at Hartford, Connecticut, and graduated in the class of 1840. He then went to Mobile, Alabama, where he studied law for two years and where he was admitted to the bar in 1842. In this last named year he removed to Kenosha, then called Southport, where he opened an office and engaged in the active practice of his profession. He was elected county judge of Kenosha county in 1849, having previously filled the position for three years by appointment. In 1853 he became interested in the building of the Rockford and Rock Island Railroad and for several years was its president and attorney.

Mr. Bond was the editor of the *Kenosha Times* from February, 1862, until its dissolution in January, 1863. During the later years of his life and until his death he was engaged in the real estate and abstract business. "He was a shrewd and successful business man and by energy, perseverance, economy and the exercise of good judgment in his financial affairs accumulated and left a competency for his family."

References: Catalogue of newspaper files in the library of the Historical Society (1898) 132; sketch furnished by M. A. Baker, Esq. of Kenosha, from which the above quotation is taken.

SINCLAIR W. BOTKIN.

Born: Alton, Illinois, September 19, 1838.
Died: Minneapolis, Minnesota, October 9, 1893.

Young Botkin became a resident of Dane county Wisconsin when about three years of age. He graduated from the State University in 1857 and later received from the same institution the degree of master of arts. He served for a time as deputy clerk of the supreme court and as assistant in the State Library. He enlisted in the war of the rebellion, entering the service as first lieutenant of Company A, 23rd

Wisconsin infantry, and later being promoted to captain. In 1863 he resigned and resumed his civil duties in the court room and in the library. He finished his preparation for the bar in the offices of Spooner and Lamb, Madison, Wisconsin, and was admitted in 1866. He was for a time deputy collector of internal revenue and register in bankruptcy. He was a member of the firm of Welch and Botkin for nearly twenty-five years. The firm removed in May, 1882, to Minneapolis,

References: History of the Bench and Bar of Wisconsin II, 328.

JONATHAN BOWMAN.

Born: Charleston, N. Y., May 16, 1828.

Died: Kilbourn City, Wisconsin, July 16, 1895.

Mr. Bowman graduated at the State and National Law School at Ballston Spa, New York, in 1850. A year later he took up his residence at Delton, Wisconsin where he engaged in the practice of the law and in various business ventures. Among other enterprises he became interested in the construction of a dam across the Wisconsin River for the building of which the legislature (Private and Local Laws of 1853, chapter 270) had named him as one of the incorporators. Thereupon he removed to Newport where the dam was to be erected. But as the location of a bridge and a railroad across the same was fixed two miles from Newport at what is now Kilbourn City, Mr. Bowman removed in 1862 to the last named place which was his residence until his death.

He was a member of the Assembly in the legislatures of 1862 and 1874 and of the Senate in the legislatures of 1863, 1864, 1865 and 1866. He was a Republican presidential elector in 1864. From 1868 until his death he was president of the Bank of Kilbourn. "Although in his later years he did not devote much attention to his profession, he was known as one of the keenest and ablest lawyers in the state."

References: Wisconsin Blue Book 1899, 161, 148, 205; proceedings State Historical Society of Wisconsin 1895, 34, from which above quotation is made; History of the Bench and Bar of Wisconsin II, 329, where is an account of his life and analysis of his character by Michael Griffin.

ARTHUR B. BRALEY.

Born: Perry, Wyoming county, New York, February 11, 1824.

Died: Madison, Wisconsin, January 31, 1889.

He removed to Delavan, Wisconsin, in 1846, where he completed his preparation for the bar which he began in his native state. He was admitted to the bar in 1848 in Madison, where four years later he took up his residence. From 1856 to 1862 he was police justice of Madison; in 1864, 1865 and 1866 he was an alderman of the same city, and in 1868 city attorney. After a temporary removal to Waukesha he returned to Madison in the fall of 1870 and resided there until his death. In 1872 he was chosen police justice without opposition. In 1874 he was elected

judge of the municipal court of Dane County, and held that office by successive re-elections until his death.

"He was a frequent contributor to the newspapers and other periodicals on political and literary topics and attained some distinction as a Shakespearian scholar. As a judge though never a very diligent student of the law, he gave considerable satisfaction."

References. History of the Bench and Bar of Wisconsin II, 336, from which above quotation is made; Proceedings State Historical Society of Wisconsin, 1890, 89, a somewhat fulsome eulogy by Mrs. Ella Wheeler Wilcox.

JEROME RIPLEY BRIGHAM.

Born: Fitchburg, Massachusetts, July 21, 1825.

Died: Milwaukee, Wisconsin, January 21, 1897.

Mr. Brigham removed to Wisconsin with his parents in 1839, in which territory his uncle Ebenezer Brigham had already attained prominence. Jerome received his preparatory education in western schools, and his collegiate education in the east. He graduated from Amherst college in 1845. Soon after graduation he taught school at Madison, Wisconsin. He was town clerk in 1847, and village clerk in 1848, 1849 and 1850. He was appointed clerk of the supreme court at the August 1848 term, and served until succeeded by Samuel W. Beall, December 12, 1851. In 1852 he formed a partnership with Charles K. Wells for the practice of law in Milwaukee—a firm which opening in 1880 to receive Horace A. J. Upham continued without break until the death of Mr. Wells January 4, 1892. The firm name of Wells, Brigham and Upham did not cease until Mr. Brigham's death.

Mr. Brigham enjoyed a large and exacting practice but always found time for enterprises looking to the welfare of others. He was one of the promoters of the Young Men's Association of Milwaukee out of which has sprung the Milwaukee Public Library. He was one of the organizers of the Milwaukee Law Library Association in 1860 and was a director continually until his death. He was a trustee of Milwaukee college from 1862 until 1872 and from 1876 until 1890, "and his wise, cautious, conservatism has always been exercised for the welfare of his trust." He was active in securing the legislation out of which arose the Board of Fire and Police Commissioners of Milwaukee in 1885, and as one of the original commissioners served until his resignation in November, 1888. He was a director of the Layton Art Gallery of Milwaukee, and at one time a member of the Milwaukee School Board and of the Board of Regents of the state university. He served as city attorney of Milwaukee from 1880 to 1882 and was a member of the assembly in 1887.

References: 3 Pinney 5; 97 Wisconsin XXXI; Proceedings State Historical Society of Wisconsin 1897. 29; Wight's Annals of Milwaukee College, 42, from which above quotation is made; Wisconsin Blue Book, 1899, 146, 161; Fathers of Wisconsin, 285; History of the Bench and Bar of Wisconsin, I, 571, where is an excellent likeness of Mr. Brigham.

ALFRED BRUNSON.

Born: Danbury, Connecticut, February 9, 1793.

Died: Prairie du Chien, Wisconsin, August 3, 1882.

He learned the trade of a shoemaker before studying law. In 1808 he went to Ohio and thence to Carlisle, Pennsylvania. In 1809 he joined the Methodist church, intending its ministry as his career. In 1811 after marrying in Connecticut he returned to Ohio. He served in the army of General William Henry Harrison for a year and was at the taking of Malden, the battle of the Thames and the recapture of Detroit. In 1815 he entered the ministry of the Methodist church, serving various charges in Ohio and Pennsylvania. In 1835 he removed to Wisconsin, reaching Prairie du Chien October 25—the first Methodist preacher to pioneer the way north of the Wisconsin river. In 1839 ill health compelled him to relinquish the ministry. He was admitted to the bar and practiced about ten years. He was one of the representatives of Crawford and St. Croix counties in the first session (from December 7, 1840, to February 19, 1841,) of the Third Legislative assembly, although his seat was contested by Theophilus La Chappelle. In 1842 he was Indian agent at La Pointe. In 1850 after an unsuccessful candidacy for judge of his district, he re-entered the ministry and was stationed at Mineral Point. In 1853 he was appointed presiding elder of the Prairie du Chien district. In 1862 and until ill health compelled his resignation he was chaplain of a regiment in the army. His ministerial labors were finally abandoned in 1871. He was a prolific newspaper writer and pamphleteer but his permanent literary productions were ministerial, historical and autobiographical. His *Memoir of Hon. Thomas Pendleton Burnett* his son-in-law, although eulogistic in its nature is the authoritative biography of the earliest reporter of the decisions of the Supreme Court. Mr. Brunson's *A Methodist Circuit Rider's Horseback Tour From Pennsylvania to Wisconsin, 1835*, is printed in Wisconsin Historical Collections, XV, 264.

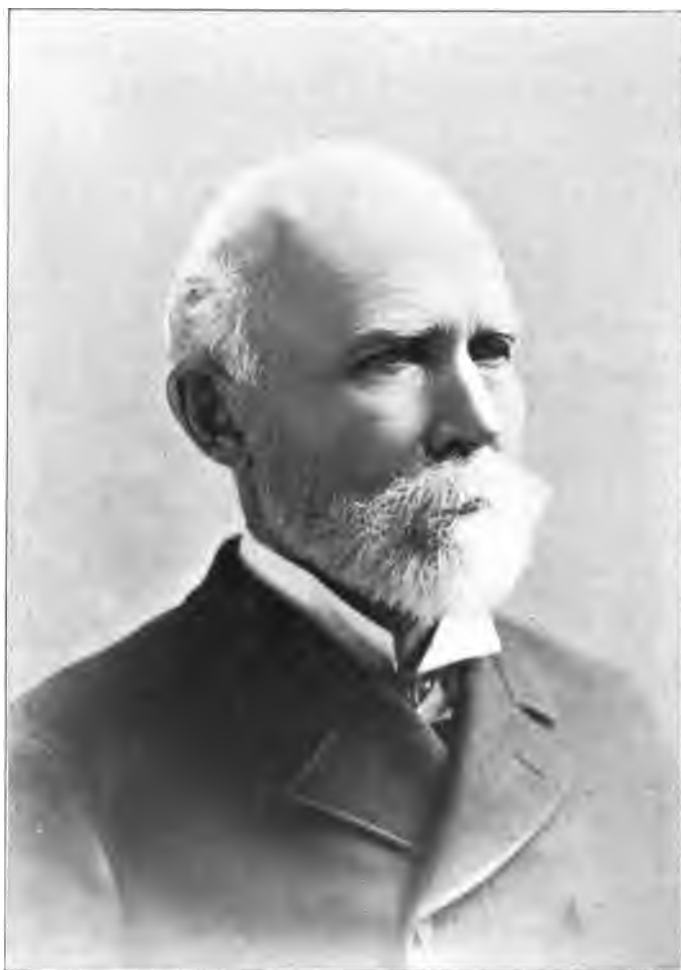
References: Wisconsin Blue Book 1899, 135; Catalogue of the portrait gallery of the State Historical Society (1892) 4; History of the Bench and Bar of Wisconsin II, 230; Wisconsin Historical Collections XV, 264; X, 485. See the Index to the last mentioned book for reference to some of his shorter articles.

JAMES ARTHUR BUCKLEY.

Born: Honey Creek, Sauk county, Wisconsin, May 15, 1870.

Died: Raton, New Mexico, November 5, 1893.

During his early boyhood he lived upon a farm and assisted his father in its cultivation. He was a school teacher for a number of years, and in this manner earned the means to take him through the Wisconsin State University. He graduated from the academic department of that institution in 1884. He was principal of the West Bend High School for three years and then entered the law school of the University of Wisconsin from which he graduated in 1889. Thereupon he



ANGUS CAMERON.

formed a law partnership with Herman Grotphorst at Minneapolis, Minnesota. While there Mr. Buckley "became convinced that the practice of the law was not what it ought to be and that lawyers were not what lawyers should be; that corruption and injustice were too frequent, the practice too loose and justice so uncertain that he expressed a great desire to leave that city and locate somewhere where the practice of the law might be more congenial to his high standard of justice and morality." Mr. Barker, a lawyer of Baraboo, Wisconsin, having died November 17, 1889, Mr. Grotphorst and Mr. Buckley purchased his business and removed to Baraboo. There this business continued until the death of Mr. Buckley, which occurred from consumption while traveling for his health.

"Mr. Buckley was a man of rare oratorical talents and if his health had not failed, he would beyond question have become one of the great orators of this country. He was very strong in his beliefs and convictions, perfectly honest and ever true to his belief that an attorney should be a man worthy to be an example to his fellow men."

Reference: Sketch furnished by Mr. Grotphorst from which above extracts are made.

ANGUS CAMERON.

Born: Caledonia, Livingston county, New York, July 4, 1824.

Died: La Crosse, Wisconsin, March 30, 1897.

The immediate parentage of Angus Cameron was of Inverness and Argyle. His native place suggested by its name the ancestry of its inhabitants, the neighbors were all Scotch Highlanders, the only language Angus knew before going to school was Gaelic, the last words he spoke as he lay on his death bed were in the same fondly remembered tongue.

After attending the public schools Angus took a three years course at the Genesee Wesleyan Seminary at Lima, New York, and a one year course at the Genesee New York academy. In 1850 he entered the law office of Wordsworth and Cameron at Buffalo, New York, as a student. In March, 1853 he graduated at the National Law School at Ballston Spa, New York, and was admitted to the bar at Albany, New York. After a short career in the banking business in Buffalo he removed to LaCrosse in September, 1857, and resided there until his death. His first partnership in the law was with Alonzo Johnson. The firm of Johnson and Cameron continued until the death of the senior in May, 1860. On May 1, 1861, the firm of Cameron and Losey was established and was not dissolved until Mr. Cameron retired from active practice in 1886.

Mr. Cameron was a member of the State Senate in 1863, 1864 1871 and 1872 and of the assembly in 1866 and 1867. He was speaker during the session of 1867. He was regent of the State University from 1866

until 1875. He served a full term in the Senate of the United States beginning March 4, 1875; and was again elected March 10, 1881 to fill out the unexpired term of Senator Carpenter deceased.

References: Wisconsin Blue Book 1899, 149, 163, 199, 206; Letter of Mrs. Angus Cameron of March 22, 1900; Proceedings State Historical Society Wisconsin 1897, 30, where however the year of Senator Cameron's birth is incorrectly printed; History of the Bench and Bar of Wisconsin II, 251, where is a good analysis of his character.

HUGH CAMERON.

Born: Caledonia, Livingston county, New York, June 29, 1815.

Died: La Crosse, Wisconsin, April 5, 1895.

An elder brother of Senator Cameron.

In his youth he was apparently poor in health and of weak constitution and his father singled him out as a scholar. After fitting for college in the schools near his home he entered as a freshman the University of Vermont in 1834, graduating with honor in 1838. Afterwards he taught in Avon, New York Academy, for two years reading law meanwhile. He completed his law studies in the office of Hastings and Husbands of Rochester, New York, and was admitted there to the bar of the supreme court in 1841. In 1847 the firm of Wordsworth and Cameron was established at Buffalo, New York, and it continued for eleven years.

In 1858 Mr. Cameron removed to La Crosse, Wisconsin, where he was a partner with his brother Alexander Cameron. This latter at the breaking out of the civil war entered the service and died of consumption soon after.

In 1865 Mr. Hugh Cameron was elected county judge of La Crosse county and served four years but declined re-election. In March 1881, however, he was appointed by the governor to fill a vacancy in the same office of county judge and upon the expiration of his partial term he was elected for a full term to the same office.

"In deep knowledge of the law, in skill in drafting legal pleadings, indeed in drafting all legal papers and in strong and accurate reasoning Judge Cameron had few equals among the lawyers of Wisconsin. He added to these accomplishments of the lawyer the graces of a profound and finished scholar and elegant writer."

References: History of the Bench and Bar of Wisconsin II, 256, from which the foregoing extract is taken.

JOHN WATSON CARY.

Born: Shoreham, Vermont, February 11, 1817.

Died: Chicago, Illinois, March 29, 1895.

When he was fourteen years old his parents removed to Wayne county, New York, and settled upon a farm near Sterling. Reaching his majority he decided to go to college and worked his way through



JOHN WATSON CARY.

Union College, graduating in 1842. He then began the study of law and in January, 1844, was admitted to the bar of the Supreme Court at Albany by Judge Nelson, and to be a solicitor in chancery by Chancellor Walworth. In February 1844 he opened a law office at Red Creek, Wayne County, New York, where he lived until 1850. In that year Mr. Cary removed to Racine, Wisconsin and resided there until 1859. His first law partner in Racine was James R. Doolittle who withdrew in 1853 upon his election as circuit judge. In 1857 and 1858 Mr. Cary had partnership relations with A. W. Farr and Lewis M. Evans.

Mr. Cary was a member of the state senate of Wisconsin in 1853 and 1854 and was mayor of Racine in 1857. In January 1859 he removed to Milwaukee where he had at different times as partners Wallace Pratt, Alfred L. Cary (his nephew) and Jedd P. C. Cottrill. Mr. Cary was a member of the city council of Milwaukee in 1868 and a member of the assembly in the session of 1872.

Soon after becoming a member of the Milwaukee bar Mr. Cary was employed as counsel by the trustees in the foreclosure of the mortgages upon the La Crosse and Milwaukee Railroad. The earliest case on this subject to reach the supreme court was that of *Graham versus La Crosse and Milwaukee Railroad Company*, 10 Wisconsin 459. The result of many years of litigation was the organization of a corporation now known as the Chicago, Milwaukee and St. Paul Railroad Company. From the beginning of this litigation, which was prior to 1860, until his death Mr. Cary was connected with this corporation and for many years was at the head of its law department. The last five years of Mr. Cary's life were spent in Hillsdale, Illinois. During these last years he was constantly engaged in important work in the federal courts and at the time of his death he was writing a brief to use in the supreme court of the United States. His last appearance in the supreme court of Wisconsin was in December, 1894, when he argued the case of *Combes versus Keyes and Chicago, Milwaukee and St. Paul Railroad Company versus Hoyt*, reported in 89 Wisconsin 297 and 314. "It was then generally remarked that his thought was as clear, his grasp as vigorous, his diction as lucid as it had ever been. Time seemed to have dealt very gently with him and there seemed to be no reason why he should not enjoy years of activity and usefulness."

As Mr. Cary's earliest case in the supreme court was that of *Hutchinson versus McClellan* reported in 2 Wisconsin, 17, the glance of his eye was over almost the entire field of Wisconsin case law down to volume 89.

"His chief honors came through his profession, in the courts of last resort in both state and nation. The decisions and rulings that he obtained from these tribunals will remain the standard of action for all time and will be his best monument."

His fatal illness was sudden. As he was walking to his office in Chicago after a short absence, he suffered a stroke of apoplexy when only

a block from his destination. He was taken to the Victoria Hotel where he died after an illness of thirteen days.

References: Wisconsin Blue Book 1899, 149, 163; History of the Bench and Bar of Wisconsin I, 476; 90 Wisconsin LIX where Justice Winslow makes the remarks first above quoted; Letter of George P. Cary, a son of John W. Cary, dated April 2, 1900, from which the last above quotation is taken:

SATTERLEE CLARK.

Born: Washington, District of Columbia, May 22, 1816.

Died: Minneapolis, Minnesota, September 20, 1881.

Although Mr. Clark's name is found on the roll of members of the State Bar Association, no accessible sketch of his life refers to his legal education or to the practice by him of that profession. It is known, however, that he attended for a time, an academy at Utica, New York. In 1828, he removed to Wisconsin, settled at Green Bay, and later at Fort Winnebago, and was sutler in the United States army from 1830, until 1843. Some of his frontier experiences are mentioned in the narrations of John de la Ronde and Henry Merrill, as preserved in Wisconsin Historical Collections, VII, 345, 367. In one of these citations reference is made to Satterlee Clark, junior. And indeed if the above dates are correct, he must have been a sutler at fourteen years of age. Not unlikely his father was sutler and he assistant. Young Clark was an early settler of Marquette county, which he represented in the assembly in 1849. He was a presidential elector in 1852 and voted for Pierce and King. His politics were strongly democratic. He was a member of nearly every democratic state convention from the beginning of statehood, and in 1868, of the democratic national convention. Early in the sixties he removed to Horicon. He represented Dodge county in the state senate from 1862, to and including 1872, and was a member of the assembly in 1873. "Although professing to be opposed to the war, he yet contended that 'the boys' in the army must be cared for, and generally voted for the war measures of the period." For many years he was one of the officers of and managers of the state agricultural society and was a vice-president of the state historical society from 1875 until his death. Just prior to his death he was in the employ of the Chicago, Milwaukee and St. Paul railroad company as a car detective. He died very suddenly of apoplexy while engaged in his business.

References: Wisconsin Blue Book, 1899, 205, 149, 164; Collections of the Wisconsin State Historical Society, IX, 417, 462; Catalogue of the Portrait Gallery of the State Historical Society of Wisconsin (1892) 6.

WILLIAM HENRY CLARK.

Born: Dover, New Hampshire, December 12, 1828.

Died: Milwaukee, Wisconsin, January 31, 1899.

Shortly after his birth, his parents removed to Springfield, Massachusetts, where he attended school until he was fourteen years of age.

He then went to Boston to continue his studies and to work in the store of his uncle, James W. Clark. When eighteen years of age he moved to Elba, Lapeer county, Michigan, to which place his father's family had meanwhile removed. In 1851 he opened a store in Lapeer. Four years after he sold out his business and commenced reading law. In 1857 he was admitted to the bar of the Lapeer district court and opened an office at Armada, Macomb county, Michigan. He became finally postmaster of Armada.

On November 10, 1862, he enlisted as sergeant in the eighth Michigan cavalry, in the war of the rebellion. Later he was promoted to be second lieutenant of company I, and assisted in the capture of John Morgan, the guerilla. During the war Mr. Clark had three horses shot under him, had six bullet holes in his clothing and was slightly wounded in the arm. In January, 1864, he received a commission as first lieutenant but resigned on account of ill health, and was honorably discharged in February, 1864.

He resumed the practice of his profession at Armada, and later removed to Mount Clemens. Later he practiced law in Florence, Iron Mountain, and Crystal Falls, and was elected district attorney a number of times, even when opposing politics prevailed. In June, 1893, he removed to Milwaukee, where he had an office at his house until his death.

Reference: Letter, March 7, 1900, from Mrs. William Henry Clark.

ALBERT GALLATIN COLE.

Born: Adams, Jefferson county, New York, April 4, 1819.

Died: Kenosha, Wisconsin, June 2, 1889.

When nine years of age Mr. Cole's family removed to Pulaski, Oswego County, New York. At the age of fifteen years he entered the Rensselaer Academy at Mexico, Oswego county. Upon completing his studies there he began the study of law at Mexico and was admitted to the bar at Albany, New York, in 1840. He opened an office in Mexico but in 1846 removed to Burlington, Wisconsin, where he continued to practice until 1863.

With the object of securing better educational advantages for his children and a wider field for his own activities he removed to Kenosha in 1863 where he continued to practice until within two or three years of his death.

He was a member from Racine County of the Second Constitutional Convention which assembled at Madison October 18, 1847. While residing in Kenosha he held the office of court commissioner and justice of the peace. He was also a captain of militia.

"As a lawyer he was well read and of more than ordinary abilities although his tastes led him to prefer the quiet of work in the office and the preparation of litigated cases for trial rather than participation

in their conduct and trial in court. Having become familiar with the practice under the code in the state of New York while in practice there he was considered authority on that subject and after the adoption of our code was frequently consulted by other members of the bar for information and suggestions relating to questions of practice arising under it."

References. Wisconsin Blue Book 1899, 19; Sketch by Mr. M. A. Baker of Kenosha from which above extract is quoted.

JOHN J. COLE.

Born: Albany, New York, August 29, 1824.

Died: LaCrosse, Wisconsin, June 23, 1897.

Mr. Cole's academic and legal education was obtained in Albany. At his majority he was admitted to the bar, his license in the supreme court bearing the signature of Chief Justice Bronson and in the court of chancery, that of Chancellor Walworth. In 1856 he removed to Wisconsin and settled at Viroqua in partnership with F. Terhune. About 1858 he removed to LaCrosse where he practiced until his death, a portion of the time with W. H. Tucker as partner.

"Mr. Cole was a man of very considerable scholastic attainments, having an excellent knowledge of Latin, Greek, German and French. . . . His powers as an advocate were not extensive but his capacity to argue logically and reach the judgment of a court or jury was undoubted."

Reference. History of the Bench and Bar of Wisconsin II, 260; from which the quotation is taken.

ELIHU COLMAN.

Born: Oneida, Brown county, Wisconsin, May 11, 1841.

Died: Green Bay, Wisconsin, January 25, 1899.

Mr. Colman was born while his father, the Rev. H. H. Colman, a missionary of the Methodist Episcopal church among the Oneida Indians, was engaged in this service. In 1847 the family removed to Fond du Lac, where Elihu resided until his death. He graduated in June, 1865, from the collegiate department of Lawrence University, Appleton, with second honors in the classical course. Upon leaving college he began the study of law in the office of Blair and Colman, in Fond du Lac, and was admitted to the bar in 1866. From 1867 to 1879, he was a member of the firm of Hauser and Colman; in 1879 and 1880 of the firm of Colman, Carter and Kent; from 1880 to 1882 of the firm of Colman and Kent; from 1886 to 1895 of the firm of Colman and Sutherland; and in 1896 for a short time, of Colman and Parkinson. After October, 1896, he was alone.

In February, 1890, he was appointed United States District Attorney for the eastern district of Wisconsin. Under the direction of the post-



ELIHU COLMAN.

office department, he brought prosecutions to drive the Louisiana lottery fraud out of the country. He was also engaged in the Fox river overflow cases, and with the assistance of United States attorney, A. E. Thompson, of Oshkosh, practically closed out all of that class of cases against the government.

Mr. Colman enlisted as a private in company G, in the First Wisconsin calvary, in the war of 1861, and served as private and commissary sergeant until January, 1863, when he was honorably discharged on account of physical disability.

In 1867 he was appointed register in bankruptcy, and served as such until 1872. He was a member of the assembly of 1873, and was the father of the law abolishing the office of prison commissioner, thus taking prison management out of politics. In 1883 President Arthur appointed Mr. Colman chairman of the committee to examine one hundred and fifty miles of the Atlantic and Pacific railroad in Arizona.

His death occurred suddenly from heart disease, while absent from his city on legal business.

References: Wisconsin Blue Book 1899, 164; *Milwaukee Sentinel*, January 26, 1899; *History of the Bench and Bar of Wisconsin*, II, 129.

ELIJAH FOX COOK.

Born: Palatine, Montgomery county, New York, Dec. 3, 1805.

Died: La Crosse, Wisconsin, October 8, 1886.

He moved to Michigan in 1831, studied law and was admitted to the bar at Oakland county, Michigan. He practiced in Farmington and Pontiac in that state and was a member of the convention that framed the constitution adopted by the people of that state when it was admitted to the Union in 1835. He was a senator of that state during the sessions of 1837 and 1838. He removed to Sheboygan, Wisconsin, in 1847 and practiced law there. He was a member of the Senate of Wisconsin in 1857 and 1858. He practiced law in La Crosse for a few years and moved to Milwaukee about 1862. In or about 1878 he retired from practice on account of paralysis.

While residing in Milwaukee he was injured on March 28, 1867, by falling upon a slippery sidewalk at East Water and Mason streets near his office, an injury which made him lame for the remainder of his life and on account of which he unsuccessfully sought damages against the city. See *Cook vs. Milwaukee*, 24 Wis. 270; 27 Wis. 191.

References: Sketch furnished by his daughter, Lucy M. Hogan, of La Crosse, June 5, 1900; Wisconsin Blue Book (1899) 149.

HARMON S. CONGER.

Born: Freeport, Cortland county, New York, April 9, 1816.

Died: Janesville, Wisconsin, October 22, 1882.

When seventeen years of age he entered Cortland academy, where he continued to study two years. He then commenced the study of law with Horatio Ballard, of Cortland. From 1840 to 1845 he edited the weekly *Cortland County Whig* in the interest of General Harrison and Martin Van Buren, having purchased the paper for that purpose. He was admitted to the bar in 1844. While an editor he had been elected treasurer of Cortland county. He was elected to Congress as a whig in 1846; he was re-elected in 1848—with a single exception, he was the youngest member of the House. When his second term closed he resumed his law practice in Cortland. In October, 1855, he removed to Janesville, in this state. He continued in active practice until in the spring of 1870, when he was chosen judge of the twelfth circuit. In 1876 he was re-elected without opposition, and continued upon the bench until his death. He was stricken down with his fatal sickness while holding the September term of the Jefferson county circuit court.

References: Wisconsin Blue Book 1899, 147; Wisconsin Historical Collections, X, 488; 60 Wisconsin, XXXIX, where are the resolutions and memorial address of the Rock county bar; History of the Bench and Bar of Wisconsin, X, 475; where is an extensive review of his career and character.

ALEXANDER COOK.

Born: Sharon, New York, March 1, 1820.

Died: Waukesha, Wisconsin, December 25, 1897.

He took an academical course at Hamilton College, New York, read law in the city of Syracuse and was admitted to practice in the courts of New York in 1843. In 1845 he removed to Wisconsin and settled at Waukesha, where he continued in the active practice of his profession during the remainder of his life.

Mr. Cook held the office of district attorney of Waukesha county eight terms. He was the first to fill that office upon the organization of the county in 1846, and his last term being for the years 1891 and 1892.

"He was regarded as a well read lawyer and during his long practice at the bar he enjoyed the esteem of his brethren and the confidence of his fellow citizens in a high degree."

Reference: Sketch furnished by Hon. M. S. Griswold of Waukesha, from which the above quotation is made.

SQUIRE PARK COON.

Born: Covington, Wyoming county, New York, March 28, 1820.

Died: Milwaukee, October 12, 1883.

He was educated at a local academy and at Norwich, Vermont, University. He began the practice of law in his native state, but in 1843



HARMON S. CONGER.

removed to Wisconsin and entered upon the practice of his profession in Milwaukee. He was the second attorney general of the state, serving from January 7, 1850, until January 5, 1852. For a short time in 1862 he was colonel of the 2nd Wisconsin infantry in the war of the rebellion. For a brief period also he was on General Sherman's staff. In 1863 and 1864 he was district attorney of Milwaukee county. "He was a leading democrat, but like too many others who enter the political arena he fell a victim to dissipation and became a beggar. He was supported by the charity of his brother lawyers for several years before his death which occurred at the Passavant Hospital."

References: Wisconsin Blue Book 1899, 143; History of the Bench and Bar of Wisconsin I, 443; Buck's Milwaukee III, 21.

MONTGOMERY MORRISON COTHREN.

Born: Jerusalem, Yates county, New York, September 18, 1819.

Died: Calamine, Wisconsin, October 27, 1888.

In 1830 his father moved to Lockport, N. Y., where he resided two years; in 1832 he removed to Detroit, Michigan, and in 1834 to Kalamazoo. He studied law from 1836 to 1843 and was admitted to the bar in the latter year in the United States district court. In 1843 he began to practice at New Diggings, in then Iowa (now LaFayette) county. In 1846 he removed to Mineral Point and was the same year elected clerk of the board of commissioners of Iowa county. In 1847 and 1848 he represented Iowa county in the territorial Legislative Assembly, was a member of the judiciary committee and assisted in the proceedings preliminary to the calling of a state convention for the formation of a state constitution. He was state senator during the sessions of 1849 and 1850, and was chairman of the judiciary committee and was one of the committee which assisted in framing the Revised Statutes of 1849. In 1852 he was elected a presidential elector on the democratic ticket and with his colleagues cast the five votes of the state for Pierce and King. For two terms, from 1853 to 1865, he was judge of the fifth judicial circuit. During this period, in 1863, he was the candidate of the democratic party for chief justice of the supreme court, but he was defeated by Justice Dixon. From 1865 until 1877 he continued his law practice and was again called to the bench of the same circuit which he occupied from 1877 until 1883. He again resumed the practice and was in the harness at his death.

References: Wisconsin Blue Book 1899, 149, 205, 147; Wisconsin Historical Collections III, 52; History of the Bench and Bar of Wisconsin II, 157; 73 Wisconsin XXIX, where there is a full account of his career and character.

OBADIAH MILTON CONOVER.

Born: Dayton, Ohio, October 8, 1825.

Died: London, England, April 29, 1884.

His boyhood was passed at Dayton. Entering Princeton College at the age of fifteen he graduated in the class of 1844. For two years he taught school, at first near Lexington, Kentucky, and then as an instructor in Latin and Greek in Dayton Academy. While in the latter place he studied law in the office of Schenck and Conover, the junior being his elder brother. Conceiving the active pursuit of this profession not congenial to his quiet and studious disposition, he entered Princeton Theological Seminary in 1846 and graduated in 1849. Though now licensed for the ministry he rarely entered the pulpit. He came to Wisconsin in 1849, taking up his residence in Madison. He founded in March, 1850, the *Northwestern Journal of Education, Science and General Literature*, a monthly which ran but three numbers. He was then appointed instructor of ancient languages in the University of Wisconsin the third member of its faculty in the order of appointment. In 1852 his chair was made ancient languages and literature and he filled this chair until 1858. Upon leaving the professorship he became a member of the Board of Regents of the University and so continued until 1867. The university conferred upon him the degree of Doctor of Law in 1878. Upon the reorganization of the State Historical Society in 1854 he became its treasurer and so served until 1868. He then became one of the curators and so continued until his death. He was admitted to the Dane county bar in 1859. He assisted reporter Philip L. Spooner in preparing Vol. XII of the Wisconsin Reports. Upon the resignation of Mr. Spooner as reporter Mr. Conover was appointed his successor August 11, 1864. His name appears on the title page of Volume XVI Wisconsin Reports, but his duties as reporter began with the next volume. His name on the title page of the succeeding volumes ceases with Volume LVIII, but the last four books were edited by his son, the present reporter. While reporter Dr. Conover was for eleven years librarian of the State Library. He died while seeking rest from his labors in foreign travel.

References. Catalogue of the portrait gallery of the Historical Society (1892) 7; 60 Wisconsin LXI, which contains affectionate references to his character; Wisconsin Historical Collections X, 451, 509, where is a reference to his Dutch ancestry.

JEDD PHILO CLARKE COTTRILL.

Born: Montpelier, Vermont, April 15, 1832.

Died: Milwaukee, Wisconsin, February 8, 1889.

He graduated with honor from Vermont University, at the age of twenty years, studied law in the office of Peck and Colby, of Montpelier, and was admitted to practice in the year 1854. In the year 1855, he removed to Milwaukee and entered business relations with A. R. R. But-



OBADIAH MILTON CONOVER.

ler and Edwin L. Buttrick. Ever since that time, save for a short time in New York city, he has been in the practice of his profession in Milwaukee. He held, at one time, the office of district attorney of Milwaukee county.

By chapter 203 of the laws of 1875, the Legislature authorized the justices of the supreme court to appoint three persons to collect and revise the general laws of the state, with a view to the publication of the new edition of such laws. David Taylor, William F. Vilas and Mr. Cottrill were so appointed and began their service in April of that year. In this revision of the statutes, besides compiling several chapters, Mr. Cottrill's great work was the annotations of the decisions of the supreme court to the section construed. "Bench and Bar have yet failed to discover an error in this work by him performed."

He was a member of the senate of Wisconsin in 1883 and 1885. "As a legislator, although in failing health, he was always at his post."

Mr. Cottrill passed through the various degrees of Masonry, up to and including the 33rd degree, between the years 1855 and 1873. He served as Worshipful Master of Wisconsin Lodge in 1872-73, and during the years 1874, '75, '76 and '77 he served the Grand Lodge as Most Worshipful Grand Master. He also served Wisconsin Chapter as Most Excellent High Priest, and from 1872 to '83 he served the Grand Chapter of Royal Arch Masons as Committee on Foreign Correspondence.

In the years 1871 to 1878 he served Wisconsin Grand Lodge of Perfection in the capacity of Thrice Potent Grand Master.

References. Memorial of Jedd Philo Clarke Cottrill (Milwaukee, 1889) from which the above quotations are taken, which contains contributions of the Milwaukee Bar Association, the courts of record of Milwaukee and the supreme court of Wisconsin and the Masonic bodies of Wisconsin; Wisconsin Blue Book, 1899, 149; Preface to Revised Statutes of Wisconsin, 1878; History of the Bench and Bar of Wisconsin II, 415; 74 Wisconsin XXIX.

PITT CRAVATH.

Born: Lima, Wisconsin, August 1, 1844.

Died: Whitewater, Wisconsin, November 28, 1898.

Mr. Cravath graduated from the Wisconsin State University in 1863 and two years later from the Albany, New York, Law School (now Union University). He began the practice of his profession in Whitewater. In 1868 he removed to New Orleans where he became assistant secretary of the state of Louisiana and secretary of the state senate. In 1879 he resumed his residence in Whitewater where he established the *Whitewater Chronicle*. This later lost its identity in the *Whitewater Gazette*. Mr. Cravath resumed the practice of law in Whitewater and continued it until his death.

Reference: Proceedings State Historical Society Wisconsin, 1898, 80.

CHARLES F. CROSBY.

Born: Waterloo, Jefferson county, Wisconsin, December 12, 1847.

Died: Wausau, Wisconsin, November 28, 1889.

He was educated in the common schools, in the Bronson Institute and in the Kilbourn Institute and obtained his initial legal training in the office of Jonathan Bowman of Kilbourn City. Having been admitted to the bar in Wisconsin in 1870, he removed to Luverne, Rock county, Minnesota, to begin practice. While a resident of Luverne he became district attorney of his county and in 1874 was a member of the lower house of the Minnesota legislature. Returning in 1875 to Wisconsin he settled at Wausau, with B. W. James as his law partner. In 1877 he was elected district attorney of Marathon county, and was a member of the senate of Wisconsin during the sessions of 1881 and 1882.

References: Wisconsin Blue Book, 1899, 149; History of the Bench and Bar of Wisconsin II, 580.

HENRY HALE CURTIS.

Born: Cuyahoga county, Ohio, December 15, 1848.

Died: Merrill, Wisconsin, May, 30, 1893.

In 1856 his parents removed from Ohio to a farm near Mauston. Juneau county, Wisconsin, where he saw and experienced much of the poverty and hardship common to pioneer life. He never attended any school except country district schools. He was a good student and read much outside of his school studies, and continued a wide range of reading after he was obliged to leave school.

He began the study of law in 1874, borrowing books and reading by himself. In 1875 he entered the law office of Winsor and Veeder at Mauston, continuing with this firm as a student for about a year.

In September, 1876, he entered the law school at the university of Wisconsin, at Madison, and graduated in June, 1877. In the same year at Portage, he began the practice of the law with his brother George Curtis, Jr., the firm being Curtis and Curtis. In 1880 and again in 1882, he was elected district attorney of Columbia county, on the republican ticket. In 1884 he removed to Merrill and there resumed practice with his brother, George Curtis, Jr., under the same firm name, the latter having removed to Merrill some two years earlier.

In 1890, A. H. Reid was admitted to the firm, which became the firm of Curtis, Curtis and Reid, and which so continued until the death of the subject of this sketch.

"He possessed a fair knowledge of the law, but his great strength as a lawyer was derived from an unusually clear and sound judgment, extraordinary clearness and vigor of expression in pleadings and briefs, and great persistence and thoroughness in analysis of cases and preparing and presenting them to the court."

He wrote for the Central Law Journal of St. Louis, vol. 6, number 20,



HENRY HALE CURTIS.

1878, an article entitled *Revocation of Agents' authority by death of Principal*; and for the Science Monthly, vol. 27, number 1, 1885, *Training in Ethical Science*.

References: Sketch furnished by his brother, George Curtis J. r., sent July 3, 1900, from which above quotation is made. A memorial of Mr. Curtis, presented to the Lincoln county, Wisconsin bar, July 10, 1893, is entered upon the records of the circuit court of that county.

NELSON DEWEY.

Born: Lebanon, Connecticut, December 19, 1813.

Died: Cassville, Wisconsin, July 21, 1889.

His father was a lawyer and when Nelson was an infant of six months the family set out for the sparsely settled state of New York, locating finally at Cooperstown in that state. Later they removed to Louisville, Otsego County, New York, where young Nelson received such education as the common schools afforded and when well advanced in the common branches of education taught a winter school. He completed his studies at Hamilton Academy, Madison county, New York. He attended this academy from the spring of 1830 until the close of the school year in 1832, having among his fellow students two other persons mentioned in this necrology, William Pitt Lynde and Harlow South Orton. After leaving the academy he taught one year in the town of Butternut (now Morris) in Otsego county, New York, devoting considerable attention to reading law with his father and with other lawyers of Louisville. Early in May 1836 he started for the west, arriving eventually on June 19, 1836 at what became later the city of Cassville, a place not then built. He at once sought employment and for about a year was engaged as clerk and bookkeeper for Daniels, Dennison and Company, the proprietors of Cassville.

Upon the organization of Grant county, March 4th, 1837 he was elected its first Register of Deeds. In the winter of 1837 he was appointed justice of the peace by Governor Dodge, a position which he held for a considerable length of time and in November 1837 he removed from Cassville to Lancaster, the latter place having become the permanent county seat in the county, and lived there until the spring of 1855, when he moved back to Cassville.

Mr. Dewey was representative in the second legislative assembly during its four sessions, extending from November 26, 1838, to August 14, 1840 and during the fourth session he was speaker of the house of representatives. He was a representative also in the third legislative assembly, which served from December 7, 1840, to February 19th, 1842.

About this time he began the practice of law, having as his partner J. Allen Barber, of Lancaster, and the firm transacted an extensive business among the early settlers and particularly among the miners. Mr. Dewey was a member of the council in the fourth legislative as-

sembly, which organized December 5, 1842 and adjourned February 3, 1846. During the fourth session of this assembly he was the president of the council.

Upon the adoption of the state constitution and the admission of the state into the union in May 1848, Mr. Dewey was elected the first Governor of the then new state of Wisconsin. He was inaugurated June 7th, 1848, and served until January 5th, 1852. He was a member of the state senate during the sessions of 1854 and 1855. He was elected January 29, 1849, the first president of the State Historical Society of Wisconsin under its first reorganization, and he served for quite a number of years as one of the regents of the University of Wisconsin.

In 1874 he was appointed one of the board of commissioners of the state prison of Waupun, for a period of six years and was reappointed in 1880 and held that office until the commission was abolished and the board of supervisors of State Institutions was established in 1881.

"Unfortunately the latter portion of his life was clouded and embittered by misfortune and disappointment in which he had the sympathy of all who had known him, but all these untoward circumstances he endured quietly and without complaint."

References: Biography of Nelson Dewey by Silas U. Pinney in the proceedings of the 37th annual meeting of the State Historical Society of Wisconsin, page 66, from which the above quotation is taken; History of the Bench and Bar of Wisconsin II, 185; Wisconsin Blue Book (1899), 20, 127, 142, 635, 133 *et seq.*

HORACE VINTON DEARBORN.

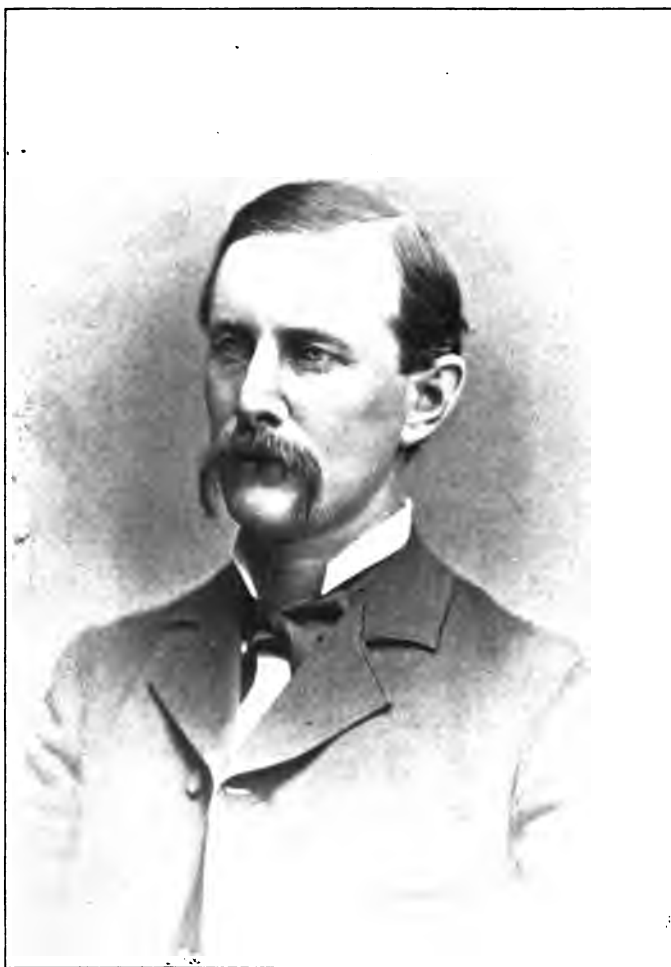
Born: Beloit, Wisconsin, February 5, 1844.

Died: Beloit, Wisconsin, June 13, 1881.

Mr. Dearborn was educated in the public schools of Beloit and in the academy of Beloit college. During the year 1864, he attended the law school of the University of Michigan, and in 1865 entered the law office of J. C. Converse, of Beloit, where he remained for a year. He was admitted to the bar at Janesville, June 3, 1867, and practiced continually at Beloit, until his death.

"As a practitioner he was successful, because he was untiring in the interest of his clients, always bringing to bear his great energy and high order of ability to the matters he had in hand. His honesty was proverbial in Beloit where his whole professional life was spent, and when he died, he left a record clean and untarnished."

Reference: Sketch furnished by J. C. Rood, of Beloit, and above extract taken therefrom.



HORACE VINTON DEARBORN.

JOHN DELANEY.

Born: New York city, ———, 1824.

Died: Nebraska Insane Asylum, October 29, 1882.

He began to practice law in Stevens Point, Wisconsin, where he resided when he was a member of the assembly in 1849. In 1850 he removed to Fort Winnebago where with James Delaney he founded the *River Times* in July, 1850. These two conducted this paper together until the death of James in May, 1853. John, with the assistance of Joseph and Arthur Delaney carried on the enterprise until September, 1853, when the paper was disposed of and became the *Badger State*. During the war of 1861 he was a volunteer. After his service he settled at North Platte, Nebraska. After exposure to extreme cold and consequent suffering, symptoms of mental aberration appeared, he was consigned to the state asylum and died of acute mania.

References: Catalogue of newspaper files in library of State Historical Society, 1898, 120; Wisconsin Historical Collections X, 488; Wisconsin Blue Book, 1899, 166. The surname in these references is sometimes Delany.

JAMES ROOD DOOLITTLE.

Born: Hampton, Washington county, New York, January 3, 1815.

Died: Providence, Rhode Island, July 27, 1897.

He graduated from Geneva (now Hobart) College in 1834, was admitted to the bar in 1837 and practiced at Rochester, New York, and at Warsaw, Wyoming county, New York. In 1845 he was elected district attorney of Wyoming county and held office until his removal to Wisconsin in 1851. He settled at Racine. He served as circuit judge of the first circuit from 1853 to 1856. He resigned the ermine to become a senator of the United States, to which position he was twice elected, January 23, 1857, and January 22, 1863. He was a member of the peace convention of 1861, in which he opposed any compromise with the South. In the same year he was one of a committee of the senate appointed to investigate the condition of the Indians west of the Mississippi. Upon the expiration of his second term in 1869 he returned to Racine and established a legal partnership with his son in Chicago, Illinois.

In 1866 he presided at the National Union Convention in Philadelphia and in 1872 at the National Democratic Convention in Baltimore that nominated Horace Greeley for the presidency.

He died while visiting a married daughter. He was a member of the First Baptist church, Racine, for more than forty years.

References: National Cyclopædia of American Biography, IV, 144; 98 Wisconsin XXXIX, where are the memorial of the State Bar Association and the response of Justice Winslow; History of the Bench and Bar of Wisconsin I, 345, which at page 350 copies *in extenso* the response of Justice Winslow aforesaid; Proceedings of Wisconsin Historical Society 1897, 31; Wisconsin Blue Book, 147, 206. See in General Laws of Wisconsin 1866, page 195, Joint Resolution No. 8, requesting Senator Doolittle to resign the office of United States senator, for supporting the policy of President Johnson.

LUTHER S. DIXON.

Born: Milton, Vermont, June 17, 1825.

Died: Milwaukee, December 6, 1891.

His early education in the common school and academy was supplemented by instruction in the military school at Norwich, Vermont. Here he ranked high as a cadet and was an excellent scholar in Latin. He studied law in the office of Luke P. Poland and was admitted to the bar in 1850. In the next year he was established at Portage, Wisconsin. He served two terms as district attorney of Columbia county and in 1858 was appointed judge of the Ninth judicial circuit upon the retirement of Judge A. L. Collins. While serving in this capacity he was appointed by Governor Randall to succeed Chief Justice Edward V. Whiton on the supreme bench. He took his seat April 19, 1859. The earliest opinion filed by him is *Krebs v. Dodge*, 9 Wisconsin, 1. He resigned from the bench June 17, 1874, his latest opinion in order of place being *In re Janitor of the Supreme Court*, 35 Wisconsin 410. Stepping almost from the bench to the bar he took part in the argument of *Attorney General v. Railroad Companies*, 35 Wisconsin 425, one of the most important litigations in Wisconsin courts. For seven years he practiced in Milwaukee, but removed in 1881 to the more salubrious climate of Denver, Colorado, keeping, however, his home in Milwaukee. He died while visiting in Milwaukee. While practicing in that city he was the senior member of the firm of Dixon, Hooker, Wegg and Noyes.

References. 81 Wisconsin XXXI, where are interesting reminiscences and a discriminating analysis of his judicial abilities; Proceedings State Historical Society, 1891, 17, where is copied from Milwaukee *Sentinel* of December 7, 1891, an estimate of Judge Dixon's character by Judge James G. Jenkins; History of the Bench and Bar of Wisconsin I, 121, where is a faithful likeness; History of Milwaukee (Chicago, 1881,) 658.

JOHN L. DORAN.

Born: ———, Ireland, ———, 1814.

Died:

Mr. Doran came to Milwaukee in 1844. He was elected city attorney of Milwaukee in 1847, receiving 754 votes as against 748 votes for James S. Brown. He was a member of the second constitutional convention, in 1847, and in 1851 represented Milwaukee in the assembly. In 1862, he was appointed colonel of the seventeenth Wisconsin regiment. After the war, he removed to Chicago, where he was residing in 1880. "He was a frank and genial gentleman, well read, and highly cultivated."

References: Buck's Milwaukee, II, 210; III, 61; Wisconsin Blue Book 1899, 19, 167; Fathers of Wisconsin, 203, from which above quotation comes.



LUTHER S. DIXON.

JASON DOWNER.

Born: Sharon, Vermont, September 9, 1813.

Died: Milwaukee, Wisconsin, September 1, 1883.

When nineteen years of age, he went from his father's farm to Kimball Union Academy; Plainfield, N. H. He graduated from Dartmouth College, in the class of 1838. He studied law, and was admitted to practice in Louisville, Kentucky. In 1842 he removed to Milwaukee. From March until September, 1845, he edited the Milwaukee *Daily Sentinel*. Retiring in favor of General Rufus King, he devoted himself to the practice of the law. On November 16, 1864, he became by appointment, an associate justice of the supreme court in place of Justice Byron Paine, resigned. He was re-elected in the following spring for a full term, but resigned September 10, 1867. His opinions are reported in volumes XIX-XXII of the decisions of the supreme court. He resumed the practice of law in the city of Milwaukee. By his will his residence on Prospect avenue, and a fund to maintain it as a home for aged and disabled ministers, became the property of Immanuel Presbyterian church, and a large sum of money was given to Fox Lake Academy, which became eventually Downer College. That institution since removed to Milwaukee, has united with Milwaukee College, and the institution is now known as Milwaukee-Downer College.

References. 60 Wisconsin, XXXI, where is an analysis of his character; Wisconsin Historical Collections IV, 267; History of the Bench and Bar of Wisconsin I, 154, which copies from 60 Wisconsin, the address delivered by D. H. Johnson, in presenting to the Supreme court the memorial of the Milwaukee county bar.

O. E. DREUTZER.

Born: Gottenberg, Sweden, January 27, 1816.

Died: Frankfort, Tennessee, January 4, 1900.

At an early age young Dreutzer entered the navy of Sweden. Obtaining leave of absence he sailed for New York in 1833 and in the following year again visited this country, and in the brig Juno made several voyages from New Bedford. In 1835 he volunteered at Charleston, S. C., to serve in the Florida war, and took an active part in several engagements on the St. Johns river and elsewhere. After four months of service he returned to Sweden and entered the naval academy at Carlskrona. After finishing his studies there he received a lieutenant's commission and was placed in command of five pilot stations on the coast. In 1842 he resigned from the navy and took up his residence in America. He purchased a farm in Racine county, twenty miles west of Kenosha. He soon became satisfied that the tilling of the soil was not his vocation and in 1843 he entered the office of Judge James Holliday in Milwaukee and there prepared himself for the legal career. He began the practice of the law in 1854 and having removed to Waupaca county was

successively elected to the offices of county treasurer, register of deeds and county judge. In 1866 he went to Norway and during his stay gave much attention to the ancient literature of the Scandinavians, himself translating many records bearing upon the discovery of America by the Norsemen nearly one thousand years ago.

In 1873 Mr. Dreutzer went to Door county and settled at Sturgeon Bay. A few years before his death he removed to Tennessee.

Reference. Newspaper sketch printed the day of his death.

WILLIAM HENRY EBBETS.

Born: New York City, December 31st 1825.

Died: Milwaukee, March 8, 1890.

Mr. Ebbets was a graduate of Columbia College, New York. After his graduation, he entered the office of James T. Brady of New York, where he pursued his law studies until his admission to the bar. After his admission and in 1850, he removed to Fond du Lac, Wisconsin, where he remained until 1855. While he resided in Fond du Lac, he was engaged in the practice of his profession, and held the office of district attorney of Fond du Lac county for two terms, and was also a member of the legislature for one term. In 1855, Mr. Ebbets removed to Janesville where he continued the practice of his profession until 1873, when he removed to Milwaukee. He continued his professional labors in Milwaukee until 1890. During his practice, Mr. Ebbets won distinction as a criminal lawyer and was counsel in many important criminal trials.

CHARLES LOWELL DUDLEY.

Born: Madison, Wisconsin, July 10, 1857.

Died: ———, November 2, 1883.

He entered the preparatory department of the University of Wisconsin in 1871. Two years later he entered the collegiate department, graduating in 1877 and receiving the Lewis prize at commencement. He entered the law class of the University in 1878. While pursuing his studies he formed a partnership with the Honorable Robert G. Siebecker at Madison, in October, 1879, and the partnership continued until December 1, 1881. Thereupon he removed to Chicago, Illinois, and became a partner in the firm of Cragin Bros., dealers in hardware, taking charge of the manufacturing department.

He received a fatal injury in a railroad accident November 1, 1883.

Reference. Letter from his mother Mrs. Elizabeth D. Dudley, 524 Frances St. Madison, Wisconsin.



WILLIAM HENRY EBBETS.

THOMAS ALFRED DYSON.

Born: Milwaukee, Wisconsin, December 13, 1851.

Died: La Crosse, Wisconsin, April 29, 1898.

He received his education at the public schools of Milwaukee and at the age of seventeen was qualified to be phonographic reporter.

In 1870 he was appointed reporter of the 6th circuit and held that position until 1881, meanwhile becoming a resident of La Crosse.

From 1873 until 1881 he attended the sessions of the legislature in the capacity of newspaper reporter. In 1882 he entered into a law partnership with Merrick P. Wing, and later with Charles E. Servis. He was a member of the state senate in the sessions of 1887 and 1889, being president pro tem. of the senate in the latter year. In 1887 he was appointed county judge of La Crosse county and served in that capacity until 1898.

"Mr. Dyson's energy and career were such as to justify a prediction of larger success at the bar than he had yet achieved, if opportunity had been afforded him."

References: History of the Bench and Bar II, 260, from which above quotation is made; Wisconsin Blue Book, 1899, 150.

CHARLES A. ELDREDGE.

Born: Bridport, Addison county, Vermont, February 27, 1821.

Died: Fond du Lac, Wisconsin, October 26, 1896.

His early training was received in St. Lawrence county, New York. In 1846 he was admitted to the bar and began to practice. He removed to Wisconsin 1848, and settled at Fond du Lac. He was state senator during the sessions of 1854 and 1855. He became a member of the 38th Congress, December 7, 1863, and served by successive re-elections, until March 3, 1875. While in congress, on February 1, 1864, he offered a resolution condemning the draft as contrary to the principles of republican government. Soon after leaving congress, failing health prevented Mr. Eldridge from taking an active part in politics, or from pursuing his profession.

References: Wisconsin Blue Book 1899, 206, 207; Proceedings State Historical society, Wisconsin, 1896, 34; National Cyclopaedia of American Biography, IV, 28.

LUCIUS FAIRCHILD.

Born: Franklin Mills, Portage county, Ohio, December 27, 1831.

Died: Madison, Wisconsin, May 23, 1896.

Removed to Madison, Wisconsin, with his parents, in 1846, and studied at Carroll College, Waukesha. In March, 1849, he went to California, in quest of gold, reaching Sacramento late in autumn. After six years he returned in 1857 to Wisconsin. In the fall of 1858 he was elected clerk of the circuit court of Dane county, and after holding office two years, was

admitted to the bar in 1860. He was first lieutenant of a local militia company, known as the Governor's Guard, when the president's call to arms came in 1861. He promptly enlisted. After many and various services, he as colonel of the second Wisconsin regiment, lost his arm at Gettysburg, in July, 1863. He retired from the army, brevetted brigadier general. Returning to Wisconsin, he was elected secretary of state, in November, 1863; governor in November, 1865, 1867 and 1869. In December, 1872, he was appointed consul at Liverpool; in 1878 consul-general at Paris; in March, 1880, minister at the court of Madrid. From the latter position he resigned in December, 1881. From 1884 to 1886, he served as commander of the commandery of Wisconsin, Grand Army of the Republic, and in 1886 he was made commander-in-chief of the Grand Army. In 1888 he was presidential elector at large on the republican ticket, and voted for Benjamin Harrison. After being at the head of the military order of the Loyal Legion in Wisconsin, he was in 1893, chosen commander-in-chief of that body. Nor was he lacking in civil appointments. He was a member of the national board of commissioners to treat with the tribes in the Indian territory; chairman of the board of visitors of the Wisconsin State University; president of the committee of one hundred to inaugurate the movement of the Wisconsin semi-centennial celebration; curator for many years of the State Historical Society,

References: Proceedings State Historical Society of Wisconsin 1896, 30; Wisconsin Blue Book (1899) 128, 142, 143, 205.

THEODORE BATES ELLIOTT.

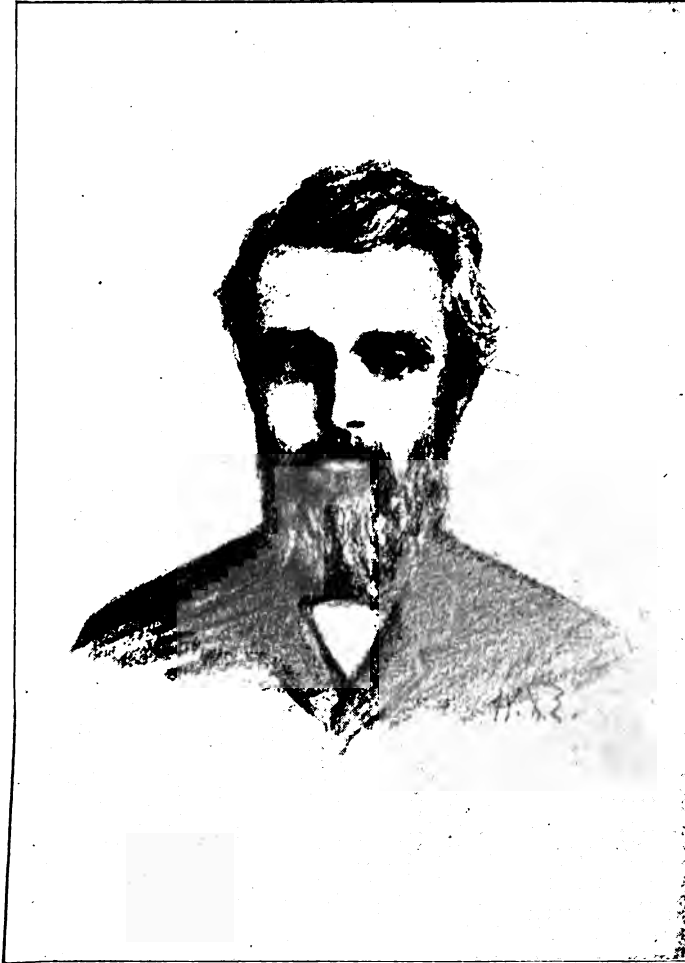
Born; Wayne county, New York, July 12, 1836.

Died: Milwaukee, Wisconsin, January 11, 1883.

Mr. Elliott removed to Milwaukee with his father, in 1852. He received a classical education in the Milwaukee University, graduating at the head of his class. He became a tutor in the same institution of learning, and at the same time applied himself to the study of law. He was admitted to the bar in 1860. In 1867 he became a law partner of James G. Jenkins. The firm of Jenkins and Elliott then established, continued until 1874; and the firm of Jenkins, Elliott and Winkler, formed in that year by the addition of Frederick C. Winkler, continued until the death of Mr. Elliott. This event resulted from the burning of the Newhall House, where Mr. Elliott resided.

"As an office lawyer, he was exceptionally successful; no member of the Wisconsin bar ever had a more numerous clientage, no lawyer was ever held in higher esteem by his clients. . . . His judgment was singularly correct, his reading was extensive, and his devotion to the interest of his clients was untiring; he was an able lawyer and an honest man."

References: National Cyclopædia of American Biography, II, 440, from whence above extract; Milwaukee *Evening Wisconsin*, January 12, 1883.



THEODORE BATES ELLIOTT.

ASAHIEL FINCH.

Born: Geneva, Cayuga county, New York, February 14, 1809.

Died: Milwaukee, April 4, 1883.

He attended the common schools and took a course of study at the Middlebury Academy, in Genessee (now Wyoming) county. He was educated as a merchant, and moved to Michigan, in 1830. He gave up the mercantile business in 1833, and in 1835 entered the law office of Orange Butler, at Adrian, Michigan. He was a member of the legislature of the territory of Michigan in 1837. In October, 1839, he removed to Milwaukee, where he formed a partnership with H. N. Wells and Hans Crocker, under the firm name of Wells, Crocker and Finch. In 1842, he formed a partnership with William Pitt Lynde, under the name of Finch and Lynde, which (opening in 1857 to receive Henry M. Finch and Benjamin K. Miller) continued unchanged until the successive deaths of the two Finches and of Mr. Lynde in 1883, 1884 and 1885.

Mr. Finch's first case in the supreme court was that of *Juneau versus Wells*, July term, 1845, reported 1 Pinney, 582.

"For over forty years Mr. Finch was in constant and successful practice, meeting not only all the able lawyers of the west as opponents at the bar, but some of the most distinguished members of the legal profession of the east, who had been sent to Wisconsin to look after the interests of non-resident clients. He seldom found himself over-matched. . . . He aided in the settlement of more disputes by arbitration outside of the courts than any other man ever in practice in Milwaukee."

Mr. Finch aided in the formation of the republican party, and supported John C. Fremont for president in 1856. During the rebellion he supported the government by voice, pen, and purse, to the best of his ability.

In religion he was a Congregationalist. However, "his religious zeal was not confined to his own denomination, but overflowed into other sects when he could benefit his fellow men. In the days of slavery he rendered aid to many who never heard his name."

References: Proceedings of Wisconsin Historical Society 1891, 96, from which first above quotation is taken; History of Milwaukee (Chicago, 1881) 666; History of the Bench and Bar of Wisconsin I, 443; National Cyclopædia of American Biography III, 301, from which last above quotation is taken; Wisconsin Historical Collections IV, 257. For an instance of his liberality towards struggling churches, see Wight's The Old White Church, 7.

EDWARD ELWELL.

Born: Athens, Pennsylvania, August 7, 1816.

Died: Beaver Dam, Wisconsin, April 27, 1893.

After receiving his early education in his native town, Mr. Elwell studied law in the office of a brother in Towanda, Pennsylvania. From 1847 to 1855 he practiced law in Sheboygan and then removed to Beaver Dam. Of that place he became postmaster in 1857. He held various offices in the city and county, was county judge in 1873, was several years mayor of Beaver Dam and was attorney of that city at the time of his death.

Reference: Proceedings Wisconsin State Historical Society, 1893, 22.

EARL PIERCE FINCH.

Born: Jay, Essex county, New York, October 27, 1828.

Died: Oshkosh, Wisconsin, June 11, 1888.

His general education was completed at Union College, New York. He studied law in the office of Edwin Wheeler of Oshkosh and was admitted to the bar in 1859. For a number of years he was a partner of Charles Barber. Mr. Finch was a member, and speaker, of the assembly during the session of 1883.

References: Wisconsin Blue Book 1899, 169, 199; History of the Bench and Bar of Wisconsin II, 95.

HENRY MARTYN FINCH.

Born: Palmyra, New York, December 15, 1829.

Died: Milwaukee, Wisconsin, March 27, 1884.

He came to Milwaukee in 1850 and studied law in the office of Smith and Palmer. He was admitted to the bar in 1853. The long established firm of Finch and Lynde opened in January 1857 to admit him and Benjamin K. Miller. Under the name of Finches, Lynde and Miller this firm continued until the successive deaths of Asahel and Henry M. Finch and Mr. Lynde left Mr. Miller the only survivor. "For upwards of a quarter of a century he was an important factor in much of the weighty litigation in the state." The first case traceable to him in the supreme court is *Roche v. The Milwaukee Gas Light Company*, 5 Wisconsin 55, where by a pardonable and very familiar error of transposition of initials he appeared as "M. H. Finch for the defendant in error." His last cases in the same court are reported in volume LIX, the most important of which was the contest over the will of Cadwallader C. Washburn, page 483. It was while in the second trial of a fiercely contested Federal case that he broke down. "He dragged his tired body to his home and lay down and died."

References: 60 Wisconsin LXV, from which above quotations are taken—a very affectionate memorial of his friend "Matt" Finch by Judge Jenkins; History of the Bench and Bar of Wisconsin I, 470.



EDWARD ELWELL.

WALTER POWERS FLANDERS.

Born: Warner, Merrimack County, New Hampshire, March 29, 1805.

Died: Milwaukee, Wisconsin, January 24, 1883.

He graduated from Dartmouth College in the class of 1831. He studied law with Judge Nesmith of New Hampshire and was admitted to the bar in 1834. He began immediately the practice of his profession at New London. He twice represented his state in the legislature of New Hampshire.

In October, 1848, he removed, with his family, to Milwaukee, which thereafter continued to be his residence until his death. Soon after his removal to Wisconsin he became largely interested in real estate and railroad enterprises and gave up his active interest in his profession, although always retaining a keen interest in everything pertaining to it. He was one of the first subscribers to the stock of the old Milwaukee and Mississippi Railroad company, which built the first railroad in Wisconsin, was its first treasurer and held that office for several years. He was also treasurer of Milwaukee College from 1852 until 1855.

References: Sketch by his son, James G. Flanders, April 14, 1900; Wight's *Annals of Milwaukee College*, 9; *History of Milwaukee*, (Chicago, 1881), 1592.

EDWIN FLINT.

Born: Braintree, Orange County, Vermont, May 25, 1814.

Died: Mason City, Iowa, October 15, 1891.

At the age of fourteen he went to Windsor, Vermont, where he passed a year in the office of the *Vermont Chronicle*. From there he went to Burlington, Vermont, to prepare for college and while so doing earned the money to pay his expenses by setting type nights and mornings for a book publisher. By such means he secured the education necessary to admit him to the state university of Vermont and to maintain him therein until his graduation in 1836. He then taught for one year in Virginia.

From that state he went to Norwalk, Ohio, and read law with Judge Lane for one year; thence he went to Kentucky and became a tutor in the family of Governor Shelby, pursuing, meantime, his study of the law.

In 1840 he was admitted to the bar at La Fayette, Indiana, and began practice there. In 1841 he settled at Jackson, Michigan, but was compelled to move by sickness. He was engaged in teaching most of the time until 1848, when he came to Wisconsin and opened a law office at Fond du Lac. In 1851 he settled at La Crosse. In 1852 he was elected district attorney of La Crosse county and chairman of the county board.

He was a member of the senate of the state in the session of 1862. In April, 1862, he was elected circuit judge of the sixth circuit serving the

full term. He removed from La Crosse to Mason City, Iowa, in 1869, and there formed a law partnership with B. F. Hartshorn.

He abandoned the active practice in 1876 devoting his energies to managing his business and pursuing his reading, which was his great delight.

"Mr. Flint was successful in business, having accumulated an estate of nearly one hundred thousand dollars; one-half of that sum he bequeathed to his alma mater, the University of Vermont, for the endowment of a professorship of mathematics, natural or technical science, as the faculty shall elect, to be designated the Flint professorship; the remainder was bequeathed to a number of nieces and nephews."

References: Bench and Bar of Wisconsin II, 234, from which above sentence is extracted; Wisconsin Blue Book, (1899), pages 150, 147.

EXPERIENCE ESTABROOK.

Born: Lebanon, New Hampshire, April 30, 1813.

Died: Omaha, Nebraska, March 26, 1894.

Mr. Estabrook settled at Geneva, Walworth county, Wisconsin in July, 1840. His name appears in the list of attorneys of the supreme court of the territory printed in 1 Pinney 1, but the date of his admission is not shown. He was district attorney and school commissioner of Walworth county before he was chosen a member of the second Constitutional Convention. In 1851 he was a member of the assembly, with residence at Whitewater. He was attorney general of the state from January, 1852, for two years. Having been appointed in 1855 United States attorney for Nebraska he removed there and held this office for four years. He was a delegate to congress from Nebraska for one term, district attorney of Douglas county, Nebraska, reviser of the statutes of Nebraska in 1866, author of an approved form book, and a member of the Nebraska Constitutional Convention of 1871. "It was his unusual distinction to have sat in the Constitutional Conventions of two territories."

References: Wisconsin Blue Book 1899, 19, 143, 128; Fathers of Wisconsin 211; Proceedings Wisconsin State Historical Society 1894, 24, from which above quoted clause is extracted. From the same source also the last above date 1871 is taken. I think, however, this must be an error. See as to the change from territorial to state government in Nebraska, *Brittle v. The People*, 2 Nebraska 198.



EXPERIENCE ESTABROOK.

ALFRED SWIFT FRANK.

Born: Granville, Washington county, New York, December 6, 1855.

Died: Near Portland, Oregon, July 21, 1866.

At the age of twenty he was graduated from the State University at Madison, Wisconsin. He was engaged in business with his father the next year and in 1876 he removed to Portland, Oregon, and established the branch house of Frank Brothers. Then he returned to Madison, took a two years law course and graduated at the head of his class. He practiced law for two years in Wisconsin. In 1881 he removed to Portland, Oregon and practiced law there.

He met his death by accidental drowning in bathing in the surf near the mouth of the Columbia River.

In receiving a set of resolutions concerning Mr. Frank presented by United States District Attorney, MacArthur, before the Bar Association of Portland, the Honorable Matthew P. Deady, one of the judges of the 9th Circuit, spoke in high terms of the character of Mr. Frank, saying among other things,

"During the comparatively short period of Mr. Frank's life at this bar and in this community, I formed a high opinion of his worth and ability. He was yet in the beginning of his career— in the age of promise,—but enough had been done

'To give the world assurance of a man.'

Mr. Frank was also a good citizen and an exemplary man in all the walks and relations of private life. Therefore this community may well claim to share in the grief of his family and friends at his sad and untimely death."

Reference: Sketch furnished by Augustus S. Frank, April 6, 1900.

VOLNEY FRENCH.

Born: Maidstone, Vermont, ———, 1810.

Died: Kenosha, Wisconsin, May 3, 1881.

He studied law in Rochester, New York, and settled at Kenosha in 1837. From 1844 to 1848 he was judge of Racine county which then included Kenosha county. In 1875 he was appointed county judge of Kenosha county, in place of J. W. Webster, deceased. He was at one time candidate on the democratic ticket for state superintendent of public instruction. He was editor of the *Kenosha Union* from 1875 to 1877. He had traveled extensively, having made two journeys to Europe of two years each.

Reference: Wisconsin Historical Collections IX, 458.

LEANDER FRANKLIN FRISBY.

Born: Mesopotamia, Trumbull county, Ohio, June 19, 1825.

Died: Milwaukee, Wisconsin, April 19, 1889.

During his early youth he worked upon his father's farm in the summer and attended the district school in the winter. At the age of eighteen he learned the trade of a wagon maker, devoting his spare time to reading and studying. When he had become sufficiently skilled in his trade to earn wages he commenced a course of study at Farmington Academy, paying his board and tuition by working out of school hours. After leaving the academy he taught one winter in order to obtain money to move west. He arrived at Sheboygan, Wisconsin, September 5, 1846, and went thence to Fond du Lac.

In March, 1847, learning that he could obtain work at his trade in Beaver Dam, he borrowed a half dollar from a friend and started on foot for that place, a distance of thirty-six miles. He worked at Beaver Dam and Janesville during the spring and summer of 1847. In the fall of that year he taught at Prairie Corners, Walworth county. In 1848 he opened an academical school at Burlington, Racine county, which he carried on successfully for two years. During this time he studied law and passed the summer vacations in the law office of Blair and Lord, at Port Washington. He was admitted to the bar there in the fall of 1850. In October, 1850, he opened an office at West Bend, where he practiced his profession for thirty-one years. The first three years he taught the village school during the winter and attended to his profession evenings and Saturdays. In the fall of 1853 he was elected the first district attorney of the new county of Washington, of which West Bend was made the county seat, and from that time forth he had a successful practice.

Mr. Frisby was one of the secretaries of the first republican state convention, held in Wisconsin, at Madison, July 13, 1854. In 1856 he was appointed county judge of Washington county to fill an unexpired term. He was delegate to, and one of the acting secretaries of, the National Convention held in Chicago in 1860, which nominated Abraham Lincoln. Although living in a strongly democratic district he was elected a member of the assembly of the state in 1861, and was chairman of the judiciary committee of the special session of the assembly held in June, 1861. In 1868 and again in 1878 he was nominated for congress by the republicans of the Fourth district, but even with his popularity he was unable to overcome the strong democratic opposition in the district. He was one of the presidential electors on the republican ticket which was elected November 3, 1868. He was a delegate to the Republican National Convention in 1872.

He was attorney general of Wisconsin from January, 1882, to January 3, 1887.

Prior, thereto, in 1881 Mr. Frisby opened a law office in Milwaukee,



CHARLES A. ELDREDGE.

having for his partner Franklin L. Gilson, and was residing in Milwaukee at the time of his death.

"Mr. Frisby was regarded throughout the state as an able lawyer in all branches of the profession. He was an earnest, successful advocate before a jury and had much experience as an equity lawyer. His extraordinary industry in the work of his profession, together with a naturally judicial mind and keen perceptive faculties placed him in the front rank among the lawyers of his generation in Wisconsin."

References: History of the Bench and Bar of Wisconsin, I, 620, from which the above quotation is made; Wisconsin Blue Book (1899), pages 143, 170 and 205; National Cyclopædia of Biography, II, 239.

GEORGE RANSOM GARDNER.

Born: Horseheads, Chemung county, New York, January 19, 1837.

Died: Grand Rapids, Wisconsin, December 20, 1897.

Much of his early life was spent on a farm and in gaining a liberal education. He removed to Wisconsin in 1856 and spent about two years in Columbia county, working during the summers and teaching through the winters. He returned to New York state in 1858 and worked on a farm of his parents until on August 11, 1861, he enlisted in the Forty-eighth New York Infantry of Volunteers in the Civil war. In the charge upon Fort Wagner on July 18, 1863 he lost his right arm.

Returning home he became a student of law in the office of Judge Rood at Watkins, New York, and on May 15, 1867, was admitted to practice in the supreme court of New York. Thereupon he entered in partnership with Judge Rood and continued in the practice of his profession at Watkins until June, 1870, when he removed to Breckenridge, Missouri; where he opened an office and continued for two years. In March, 1873, he settled in the city of Grand Rapids, Wisconsin, which was his residence until his death. Aside from Mayor of his adopted city and other minor offices held by him, he was district attorney of Wood county, from December, 1873, to January, 1876. He was appointed county judge in December, 1876, and served until January 1, 1878. He was again appointed to the same office in October, 1879, and was elected for a full term in 1881. He was a member of the assembly of Wisconsin in the session of 1883. During nearly the whole of his residence in Grand Rapids he was a member of the board of education of that city. For nearly twenty years he was the senior member of the firm of Gardner and Gaynor, and was engaged in the greater part of the important litigation in the section of the state in which he lived.

"Of a strong mind and bright intellect, thoroughly grounded in the principles of the law and possessed of a modest, though ready and forcible

ble manner of expressing his ideas, he was a convincing advocate, dangerous to his opponents and a sure and safe anchor for his client. In his arguments in court he was careful, accurate and exhaustive."

References: Memorial of Wood County Bar prepared by his friend, Geo. L. Williams, now of Milwaukee, preserved in History of the Bench and Bar of Wisconsin II, 291, from which the above quotation is made; Wisconsin Blue Book (1899) 170.

CHARLES R. GILL.

Born: Winfield, Herkimer county, New York, August 17, 1830.

Died: Blooming Grove, Wisconsin, March 28, 1883.

On reaching his majority he entered upon the study of law at Batavia, N. Y. Shortly after his admission to the bar in September, 1854, he started west and opened a law office in Watertown, Wisconsin. He was a member of the state senate in 1860 and 1861 and was the youngest senator. The war was breaking out during this service; he was at the head of a committee appointed to further military preparations. Before his term expired he enlisted as a private, was later captain of his company, and later still colonel of the Twenty-ninth regiment of Wisconsin Volunteer Infantry. Severe illness prevented further promotion which his military success foreshadowed. Upon his recovery he became interested again in civic affairs and for four years from January 1, 1866, was attorney general of Wisconsin. He was also government counsel in the matter of the Wisconsin River Improvement and for several months was pension commissioner.

References: 57 Wisconsin XXXIII, where his life and character are detailed; History of the Bench and Bar of Wisconsin II, 348; Wisconsin Blue Book 1899, 150, 143.

FRANKLIN L. GILSON.

Born: Middlefield, Ohio, October 22, 1846.

Died: Milwaukee, Wisconsin, June 7, 1892.

He received his collegiate education at Hiram College, Ohio, then presided over by James A. Garfield, and later, at Oberlin College. In 1870, he removed to Wisconsin, and began the study of law with his uncle, Leander F. Frisby, at West Bend. He was admitted to the bar in 1872, and opened an office at Ellsworth, Pierce county. He was elected district attorney of Pierce county in 1874, and again in 1876. He was member of assembly from that county in the sessions of 1881 and 1882, and in the latter session was Speaker. In 1883 he removed to Milwaukee, forming a partnership there with his uncle, Mr. Frisby. In 1886, Eugene S. Elliott was admitted to the firm, which was known as Frisby, Gilson, and Elliott. On March 1, 1890, Mr. Gilson was appointed Judge of the Superior Court of Milwaukee county, to succeed Judge George H. Noyes, resigned, and was performing his duties at the date of his



ALFRED SWIFT FRANK.



LEANDER FRANKLIN FRISBY.

death. "He called the calendar for the June term of his court on Monday morning, June 3, but, while yet the following day was young, he was himself summoned before the bar of the Supreme and Inscrutable Judge."

References: 82 Wisconsin XXIX, an extended reference to his life and character, from which the foregoing extract was taken; Wisconsin Blue Book 1899, 171, 199; History of the Bench and Bar of Wisconsin II, 53.

GEORGE BENJAMIN GOODWIN.

Born: Livingston county, New York, December 18, 1834.

Died: Milwaukee, Wisconsin, May 1, 1886.

He received a common school education at Mount Morris, Livingston county, New York, there preparing for college. He attended Genesee College at Lima, New York, from the winter of 1852 until 1854, holding during his collegiate course the rank of being first in all his studies. In 1854, Mr. Goodwin was admitted into the senior year at Williams College, at Massachusetts, but eventually returned to Genesee College, and graduated there in the fall of 1854. In order to obtain the necessary funds to study law, he taught school at Cuylerville, New York. In 1865 he entered the law school at Albany, and in the winter of that year was admitted to practice in all the courts in New York state. In May, 1856, he removed to Menasha, Wisconsin. He was a member of the assembly of Wisconsin in the session of 1860, his residence then being at Menasha, Wisconsin.

Upon the breaking out of the war of 1861, he took an active part in raising recruits. He entered the service himself and served until 1864.

In the spring of 1865, Mr. Goodwin moved to Milwaukee, where for much of the time until his death, he was the partner of Richard K. Adams, the firm being Goodwin and Adams.

References: History of the Milwaukee Light Guard, by Herbert C. Damon, published by the *Sentinel* Company at Milwaukee, in 1875, page 177; Wisconsin Blue Book 1899, 171; *Milwaukee Sentinel*, May 2, 1886.

WALLACE WILSON GRAHAM.

Born: Cargycroy, Ireland, September 16, 1815.

Died: Milwaukee, Wisconsin, October 13, 1898.

Upon removing to America he settled in Ashtabula, Ohio, but on November 25, 1838, removed to Milwaukee, where he practiced law for almost sixty years. He was a member of the Wisconsin Constitutional Convention of 1846, and of the first common council of the city of Milwaukee in the same year. He was in the assembly in the session of 1852 and was city attorney of Milwaukee in 1856. His law partners at

different times were Levi Blossom, Don A. J. Upham and Charles A. Koeffler, Jr.

References. Fathers of Wisconsin, 86; Proceedings State Historical Society, Wisconsin, 1898, 81; History of Milwaukee (Chicago, 1881) 668; History of the Bench and Bar of Wisconsin, I, 577; Wisconsin Blue Book, 1899, 18, 171, 128. In some of these citations, the native place of Mr. Graham is spelled, and perhaps correctly, Cragery-croy.

JARED COMSTOCK GREGORY.

Born: Butternuts, Otsego county, New York, January 13, 1823.

Died: Madison, Wisconsin, February 7, 1892.

He was educated at Gilbertsville Academy, Otsego county, was admitted to practice in 1848 and began his career as a lawyer in Cortland county, New York. In 1856 he was a candidate of the democratic party for congress in his district, running ahead of his ticket but defeated. Upon removing to Madison he became partner of Silas U. Pinney, under the firm name of Gregory and Pinney. This firm continued for more than twenty-one years, other persons being at different times associated with them. After July, 1879, his son Charles Noble Gregory became his partner, under the firm name of Gregory and Gregory, and this partnership continued until the father's death. For twelve years Jared was one of the regents of the University of Wisconsin. During the presidential term of Grover Cleveland he was postmaster of Madison. He was curator of the Historical Society from 1880 until his death. For a long series of years and to the time of his death he was the local attorney and adviser of the Chicago, Milwaukee and St. Paul Railway Company at Madison.

References: Proceedings State Historical Society of Wisconsin, 1892, 87, a sympathetic article by Judge S. U. Pinney; History of the Bench and Bar of Wisconsin, II, 353.

MICHAEL GRIFFIN.

Born: County Clare, Ireland, September 9, 1842.

Died: Eau Claire, Wisconsin, December 29, 1899.

In 1847 his parents emigrated to America and settled in 1851, in Hudson, Summit County, Ohio, where young Griffin attended the common schools. In 1856 his father's family removed to Wisconsin, settling in Newport, Sauk County. At the age of nineteen, September 11, 1861, he enlisted in Company "E" of the 12th Wisconsin Volunteer Infantry in the Civil war. He was actively engaged with the army of Grant and Sherman in their most perilous campaigns and at the battle of Bald Hill, Atlanta, Ga., July 21, 1864, was seriously wounded. Having been placed on the list of wounded, he was upon the roll-call in the hospital discovered to be missing and was reported as a deserter. His colonel



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was notified and amusingly replied that "he wished all the soldiers in the hospital would desert in the manner Sergeant Griffin did."

Recovering his health he was commissioned Second Lieutenant, February 11, 1865, and First Lieutenant July 5, 1865, and was mustered out of the service July 16, 1865, because of the close of the war.

In the fall of 1865 he began to read law in the office of Jonathan Bowman, of Kilbourn City, Wisconsin. He was admitted to the bar of the circuit court at Portage City, May 19, 1868, and opened his office at Kilbourn City, where he resided until 1876.

He was a member of the assembly in the session of 1876 representing Columbia county and a member of the senate in the sessions of 1880 and 1881, representing Eau Claire county. He had removed to Eau Claire early in 1877.

He was appointed city attorney in 1878, and reappointed in 1879 and 1880. In 1889 he was appointed by Governor Hoard, quartermaster general of the state with rank of brigadier general. During the two years he occupied that position the Wisconsin Reservation for the Militia was established at Camp Douglas, and out of the first appropriation made by the state he purchased the land and directed the construction of suitable buildings for that purpose.

He was elected, November 6, 1894, to the 53rd Congress to fill the vacancy caused by the death of George B. Shaw, and was re-elected to the 54th and 55th Congresses.

He presided at the Republican state convention in the years 1890, 1896 and 1898. On April 28, 1899, the Governor of Wisconsin nominated him to be commissioner of taxation for the term of ten years, under chapter 206, laws of 1899, creating a commission of taxation. He was unanimously confirmed by the state senate and on June 1, 1899, his commission issued. Upon closing up his private business General Griffin gave his undivided attention to the subject of taxation and was engaged upon this work at the time of his sudden death.

References: History of the Bench and Bar of Wisconsin, II, 594; Wisconsin Blue Book (1899) 150, 171 and 208; Sketch sent by order of Mrs. Michael Griffin, April 9, 1900.

JOSHUA J. GUPPEY.

Born: Dover, New Hampshire, August 27, 1820.

Died: Portage, Wisconsin, December 9, 1893.

He graduated from Dartmouth College in 1843, and in 1846 was admitted to the bar of Dover. He came to Wisconsin immediately and settled in Columbus. In 1849 he became probate judge of Columbia county; from 1850 to 1858 and from 1866 to 1881 he was county judge. From 1858 to 1861 and from 1866 to 1873 he was superintendent of schools in Portage. In 1861 he was commissioned lieutenant-colonel of the 10th Wisconsin volunteers, and in 1862 became colonel of the

23d Wisconsin volunteers. In active service at the close of the war he was breveted brigadier-general "for gallant and meritorious services." He became vice-president of the State Historical Society in 1876 and so continued until his death.

Reference: Proceedings State Historical Society, Wisconsin, 1893, 18.

DANIEL HALL.

Born: Greenwich, Washington county, New York, November 20, 1819.
Died:—

He remained on his father's farm until eighteen years of age, at which time he entered the seminary at Lima, New York. In 1842 he entered the sophomore class of Union College, from which he graduated in 1845. He studied law at Lockport, New York. He removed to Wisconsin and was admitted to the bar in Milwaukee in August, 1851.

In September, 1851, he became a resident of Watertown, Jefferson county, Wisconsin, where he lived until his death. He was district attorney of Jefferson county in 1857 and 1858 and was a member of the assembly of Wisconsin during the sessions of 1870, 1871 and 1872. He was speaker of the assembly in the session of 1872.

"Mr. Hall was engaged in much of the litigation arising in his section and was regarded as a prudent counsellor, a faithful investigator and competent lawyer. He was not brilliant but won and retained confidence of the community by his recognized uprightness and careful examination of questions submitted to him. As a legislator, he was distinguished by the same characteristics that made him successful as a lawyer."

References: Wisconsin Blue Book, 1899, 172, 199; History of the Bench and Bar of Wisconsin, II, 502, from which the above quotation is taken. The date of Mr. Hall's death is yet to be given. The last above work of reference which is imprinted 1898, states that Mr. Hall died "some two or three years since."

SAMUEL ALBERT HARPER.

Born: Hazel Green, Grant county, Wisconsin, January 9, 1853.
Died: Madison, Wisconsin, March 19, 1898.

He was of a Virginian family collaterally descended from lawyers of distinction in the old dominion. He taught school for some years before entering the University of Wisconsin in 1875. At the close of his sophomore year he sustained a severe and painful injury which came near terminating, and for seven or eight years completely clouded his life. Partially recovering he entered the law department of the university in 1880 and graduated in 1881. After graduation he accepted the principalship of the schools of Waukon, Iowa, where he continued for a period of three years. During this time he had been a great sufferer from his injury, and a diseased condition of the nerves which had fol-



FRANKLIN L. GILSON.

lowed now threatened complete mental and physical overthrow. During the latter part of 1884, and the first half of 1885, he was under the care of the most eminent specialist of the country in nervous troubles, and was, as we all believed, entirely restored to health and vigor.

January 1, 1886, Mr. Harper entered the law office of LaFollette and Siebecker, and one year later became the junior member of the firm of LaFollette, Siebecker and Harper.

In January, 1890, Mr. Siebecker was appointed judge of the Madison circuit and Mr. LaFollette being a member of congress and absent in Washington, Mr. Harper arranged the organization of the firm of LaFollette, Harper, Roe and Zimmerman. Mr. Harper continued a member of this firm until its dissolution, October, 1894, when he formed a partnership with his brother, Mr. J. C. Harper, of Madison, and this partnership continued as the firm of Harper and Harper until the death of the subject of this sketch.

He was appointed by President Harrison United States district attorney for the western district of Wisconsin in 1890. He tried many contested cases each term of the federal court during the four years covered by his commission, and left the remarkable record of having won every case but two, and in these two there were disagreements.

"That Samuel A. Harper possessed indeed a great intellect, none who knew him well could question. His love of learning was a part of his individuality. No matter what the subject, his mind was alert, eager, observant and at the same time reflective. He was a ripe scholar. No man ever sounded him in this respect who failed of surprise at the extent, variety and accuracy of his knowledge. Scarcely a book could be suggested with which he was not entirely familiar, from heathen mythology to the works of Herbert Spencer, from the philosophy of Kant to the modern novel."

References: Eulogy by R. M. LaFollette addressed to the supreme court of Wisconsin, from which the above quotation is made; History of the Bench and Bar of Wisconsin, II, 358.

JOSEPH E. HARRIMAN.

Born: Louisville, St. Lawrence county, New York, August 16, 1834.

Died: Appleton, Wisconsin, April 12, 1889.

In May, 1852, he removed to Walworth county, Wisconsin, and attended Milton College. In 1856 he took up his residence at Appleton. He studied law with Jewett and Hudd, at Appleton, and with the late

Judge Cotton, of Green Bay. In 1873 he was elected county judge of Outagamie county for a term of four years and was re-elected in 1877, 1881 and 1885.

"Judge Joseph E. Harriman was a very active, public spirited citizen, and much of the prosperity of Appleton is due to his early work and enterprise."

Reference: History of the Bench and Bar of Wisconsin, II, 442.

JAMES B. HAYS.

Born: Crawford county, Pennsylvania, September 10, 1840.

Died: Boise City, Idaho, May 31, 1888.

His family came to Wisconsin in 1847, and settled in Ashippun, Dodge county. He was educated in the public schools, the college at Delafield and the Wisconsin State University, and read law at Horicon.

From January, 1863, to January 1867, he was clerk of the Dodge county circuit court. He was admitted to the bar in 1865, while acting as clerk.

He was a member of the assembly of Wisconsin in the session of 1867, with residence at Juneau. In 1874 he was elected District Attorney of Dodge county. On July 1, 1885, Mr. Hays was appointed Chief Justice of the Supreme Court of the territory of Idaho, and his written opinions while on the bench are found in the second volume of Idaho reports, between pages 141 and 420.

He died while serving as chief justice.

References: Wisconsin Blue Book 1899, 173; History of the Bench and Bar of Wisconsin II, 535; 2 Idaho Reports, XXIX; Letter March 26, 1900, from clerk of Supreme Court of Idaho.

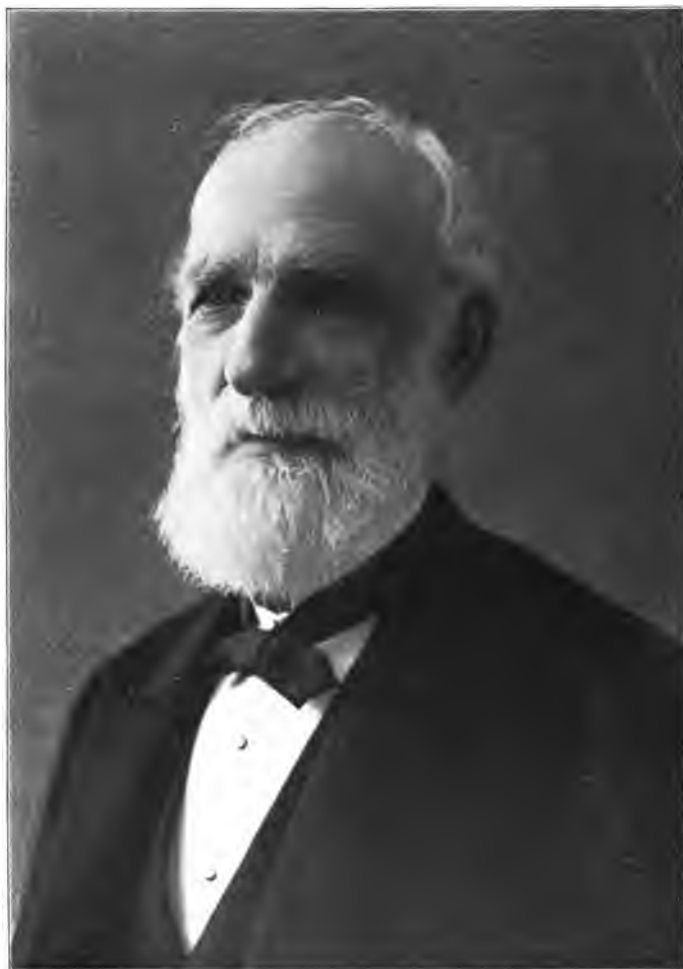
WILLIAM TURNER HENRY.

Born: St. Louis, Missouri, May 9, 1823.

Died: Mineral Point, Wisconsin, July 2, 1883.

He removed to Galena, Illinois with his parents in 1824. In October, 1834, he removed to Mineral Point, Wisconsin, where, with the exception of a brief period in the gold mines of California, he resided until his death. He was appointed deputy clerk of the United States Court under the administrations of Dr. Edward Mac Sherry, George W. Jones and Henry L. Dodge.

In May, 1846, Mr. Henry was appointed by Judge Dunn, clerk of the United States court, which office he held until January 1st, 1849. On May 6th, 1855, he was appointed secretary of the Mineral Point Rail-



WALLACE WILSON GRAHAM.

road Company and continued in this capacity until the road was completed to that point. While acting as secretary of this company he began an abstract of the titles of Iowa county and established his law practice, and in the fall of 1861 added thereto the banking business. He was frequently elected Mayor of Mineral Point.

"He was not a politician or an office-seeker and has always possessed in a marked degree the confidence of the business men, no matter which political party they belonged to."

Reference: Sketch furnished by Mrs. Emma Henry, widow of Mr. Henry of Snohomish, Washington, March 13, 1900.

ADOLPH HERDEGEN.

Born: Stuttgart, Germany, June 27, 1854.

Died: Near Phillips, Wisconsin, May 5, 1888.

He received his early education in Stuttgart and emigrated to the United States in 1876. He settled in Appleton, Wisconsin, attending the Lawrence University for one year. While in Appleton he began the study of law. Later he removed to Milwaukee and continued studying in the office of Matthew H. Carpenter and also in the office of the firm of Cotzhausen, Smith, Sylvester and Schreiber.

He was admitted to the bar in June, 1879. For a time he was in partnership with D. S. Rogers, later with Wm. A. Pors, of Port Washington, Wisconsin, and at the time of his death with C. I. Haring.

Reference: Letter sent by Robert Herdegen, his son, March 4, 1900.

THOMAS HOOD.

Born: Fairfield county, Ohio, September 28, 1816.

Died: Madison, Wisconsin, November 22, 1883.

He was admitted to the bar in 1839, settling at Somerset, Ohio. In May, 1850, he removed to Milwaukee and in June, 1851, to Madison. He was sergeant-at-arms of the legislature in 1853. He was elected county judge of Dane county in 1857 and again in 1861. He was elected to the state senate for the sessions of 1864 and 1865. He was appointed United States District Attorney in 1866, but resigned in 1869 and removed to the national capital when he was auditor of the supreme court of the District of Columbia. He acted for several years as trustee of the Wisconsin Insane Hospital. During the civil war he served on a commission to investigate Surgeon General Hammond and on a com-

mission to investigate the condition of the freedmen in the south. He returned to Madison to reside but a few months before his death.

References: Wisconsin Blue Book, 1899, 151, 201; Catalogue of the portrait gallery of the Historical Society of Wisconsin (1892) 39; 60 Wisconsin LIII, where is a memorial.

DAVID GRISWOLD HOOKER.

Born: Poultney, Rutland county, Vermont, September 14, 1830.

Died: Milwaukee; Wisconsin, March 24, 1888.

In his twenty-third year he graduated from Middlebury College, he read law in Middlebury, Vermont, and was admitted to practice in 1856. In this last year he removed to Milwaukee which was his residence until his death. He had several partners under various firm names, including Emil Spanenberg; Frederick W. Pitkin later governor of Colorado; Henry L. Palmer now president of the Northwestern Mutual Life Insurance Company; Luther S. Dixon formerly Chief Justice of the Supreme Court; David S. Wegg later of Chicago, and George H. Noyes, later Judge of the Superior Court of Milwaukee county. Mr. Hooker was city attorney of Milwaukee from 1867 until 1870 and mayor of that city in 1872 and 1873. In 1878 he became the general counsel of the Northwestern Mutual Life Insurance Company and so continued until his death.

References: History of the Bench and Bar of Wisconsin I. 468; 72 Wisconsin XXXVII, where the traits of Mr. Hooker's character are portrayed.

FREDERICK WILLIAM HORN.

Born: Lienum, Brandenburg, August 21, 1815.

Died: Cedarburg, Wisconsin, January 15, 1893.

He was educated at Graue Kloster, Berlin, and became a lawyer. He emigrated to America in 1836; came to Milwaukee in 1840 and settled in Cedarburg in 1847. In 1842 Governor Doty appointed him justice of the peace in Washington county. He was member of the assembly in 1851, 1854, 1857, 1859, 1860, 1867, 1868, 1872, 1875, 1882, 1887, 1889, and of the senate in 1848, 1849, 1850, 1891 and 1893. He was speaker of the assembly in the sessions of 1851, 1854 and 1875. He was state commissioner of immigration 1854 and 1855, county superintendent of schools from 1862 to 1865, and for many years mayor of Cedarburg. He established the Cedarburg *Weekly News* in 1883 and conducted it until his death. He was several times a member of democratic national conventions.

References: Wisconsin Blue Book, 1899, 174, 199, 151; Proceedings State Historical Society of Wisconsin, 1893, 22; Catalogue of the Portrait Gallery of the State Historical Society of Wisconsin (1892) 13; Catalogue of newspaper files in the library of the State Historical Society of Wisconsin (1898) 106.



JARED COMSTOCK GREGORY.

JOHN SCOTT HORNER.

Born: Warrenton, Farquier county, Virginia, December 5, 1802,
Died: Ripon, Wisconsin, February 2, 1883.

He graduated at Washington College, Pennsylvania, in 1819, and practiced law in Virginia, until September, 1835. That year President Jackson appointed Mr. Horner governor of Michigan, which then included Wisconsin and Iowa. In November, 1835, the people of Michigan elected a legislature and state officers and refused to recognize Mr. Horner's authority. On July 4, 1836, he became secretary of the newly organized territory of Wisconsin, with headquarters near the Mississippi river. Retiring from this appointment February 16, 1837, he was appointed by President Jackson, register of the land office at Green Bay, and held that position thirteen years. He founded a city in Fond du Lac county, which in compliment to the English home of his ancestors, he named Ripon.

"Early in life Governor Horner distinguished himself by his advocacy of slave emancipation and the records of the Virginia courts show many evidences of his success in suing for the freedom of slaves."

References: Wisconsin Blue Book 1899, 124, 130; Collections of Wisconsin Historical Society IV, 187; National Cyclopædia of American Biography V, 271, from which is above extract. The case *Mau-zau-mau-ne-kah versus The United States*, a criminal cause in which an Indian convicted of murder, appealed to the supreme court of the territory, was argued by Mr. Horner, and the conviction reversed. See 1 Pinney 124.

TIMOTHY OTIS HOWE.

Born: Livermore, Maine, February 24, 1816.
Died: Kenosha, Wisconsin, March 25, 1883.

He graduated from Readfield Seminary, Maine, and in 1839 was admitted to the bar. He opened an office in Readfield, and while living there was a member of the legislature of Maine in 1845. In the same year he moved to Green Bay, Wisconsin. In 1850 he was elected judge of the fourth circuit, serving from January 1, 1851, until his resignation in 1855, and being *ex officio* a justice of the supreme court until June 1, 1853. His opinions while on the supreme bench are reported in 3d and 4th Chandler (3 Pinney). He served three terms in the senate of the United States, beginning March 4, 1861. In 1881 he was a delegate to the International Monetary Conference, held in Paris. Later, in the same year he was appointed Postmaster General, by President Arthur. While in this office he effected many reforms, including a reduction of postage.

References: Wisconsin Blue Book 1899, 127, 145, 206, which however is in error in stating that Senator Howe died in Racine; National Cyclopædia of American Biography, 4, 250, which however, is in error in stating that Senator Howe died in Washington, and in giving February 17, 1816, as the date of his birth; History of the Bench and Bar of

Wisconsin I, 105, which however is in error in locating Readfield in Vermont; 57 Wisconsin XXXI, giving resolutions of the Brown county bar; Catalogue of the Portrait Gallery of the Historical Society, 1892 13.

THOMAS R. HUDD.

Born: Buffalo, New York, October 1, 1835.

Died: Green Bay, Wisconsin, June 22, 1896.

When he was seven years of age his mother removed to Chicago, Illinois, where young Hudd attended the public and select schools and learned the trade of a printer. With money earned at his trade he was enabled to attend Lawrence University at Appleton, Wisconsin. After finishing his studies there he read law and was admitted to the bar in 1856. He resided and practiced his profession in Appleton until 1868, and then removed to Green Bay, which was his home until his death.

Mr. Hudd was a member of the state senate from Appleton in the sessions of 1862 and 1863, and from Green Bay in the sessions of 1876, 1877, 1878, 1879, 1882, 1883 and 1885. He was a member of the assembly from Appleton in the session of 1868, and from Green Bay in the session of 1875.

On February 3, 1886 he was elected to the Forty-ninth Congress of the United States from the Fifth District of Wisconsin, in place of Joseph Rankin, deceased, and was re-elected to the Fiftieth Congress. At the close of this congress he resumed his practice at Green Bay.

"As a lawyer he was held in esteem by his professional brethren and was true to every interest committed to his charge."

References: Wisconsin Blue Book, 1899, 151, 175, 207; History of the Bench and Bar of Wisconsin II, 556, from which the above quoted sentence is extracted.

MORTIMER MELVILLE JACKSON.

Born: Rensselaerville, Albany county, New York, March 5, 1814.

Died: Madison, Wisconsin, October 13, 1889.

He attended first a district school and afterwards passed to the Rensselaerville Academy. He then entered upon a business life in the city of New York. He at once became a member of the Mercantile Library Association and was soon chosen a director and afterwards vice-president. While a clerk in a business house he began to study law in the office of David Graham. He became a personal friend of Horace Greeley with whom he actively worked for the success of the Whig party. In 1834, when William H. Seward was nominated governor of New York, Mr. Jackson was delegate to the convention and was the author of the address which the convention issued to the people of the



MICHAEL GRIFFIN.

state. In 1838 he moved to Wisconsin and settled at Mineral Point, where he entered at once on the practice of his profession. On June 26, 1841, Governor Dodge appointed Mr. Jackson attorney general of the territory, a position which he filled until about 1845. On January 16, 1846, there was an educational convention held in Madison at which Mr. Jackson was appointed chairman of a committee to report a plan for the advancement of common school education in the territory. Mr. Jackson prepared a report upon the subject which was appended to the Journal of the Legislative Assembly for that year, and the views therein contained became permanently incorporated in the state constitution. When Wisconsin became a state Mr. Jackson was elected judge of the fifth circuit and thus became *ex officio* a justice of the supreme court. He thus served from August 28, 1848, to June 1, 1853. His opinions are contained in the four volumes of Chandler, and in the 3rd of Pinney wherein it is stated at page 6 that Judge Jackson was chosen Chief Justice January 3, 1852, but resigned the same day. Upon the expiration of his term he resumed the practice of the law. In 1861 he was appointed United States Consul at Halifax where he remained until in 1880. He was appointed consul general of the British maritime provinces. This position he resigned in April, 1882. He then returned to Madison, where, free from official responsibilities he resided until his death. By his will he endowed a chair of instruction in the law school of the University, now known as the Jackson professorship, devoting \$20,000 for that purpose.

References: Proceedings Wisconsin Historical Society, 1890, 95, a memorial by General David Atwood; National Cyclopaedia of American Biography III, 148, whose date of Judge Jackson's birth is adopted in this sketch rather than General Atwood's date "in 1809"; Wisconsin Historical Collections, X, 500; catalogue of the portrait gallery of the Wisconsin Historical Society, 1892, 14; 1 Pinney III, 84, the latter paging showing that the earliest case which Judge Jackson argued in the supreme court was *Doty versus Strong*, July term 1840; Wisconsin Blue Book 1899, 130, 145; Letter from E. R. Hicks, Attorney General of Wisconsin, dated January 17, 1901; 80 Wisconsin XLIII, a sketch by Silas U. Pinney on presenting Judge Jackson's portrait to the supreme court. There is some confusion about the terminal dates of the service of Mr. Jackson as attorney-general of the territory. His appointment as such officer is recorded in the Executive office under date of June 26, 1841. As to the date of the beginning of his service, therefore, Judge Pinney, 80 Wisconsin XLIV, is right and the Wisconsin Blue Book 1899, 130, is wrong. The length of his service is, however, in doubt. The record of the appointment of his successor, Mr. Lynde, cannot be found; but the date of the appointment of Mr. Lynde's successor, A. Hyatt Smith, was August 4, 1845. Hence Judge Pinney must be in error in stating, 80 Wisconsin XLIV, that Mr. Jackson held the office of attorney general until January 22, 1846. Mr. Jackson's declination of re-appointment as attorney general, dated January 6, 1845, and filed in the office of the Secretary of State enables an approximation of the duration of his service. Judge Pinney, in 1 Pinney III, in his table of territorial attorneys general gives January 22, 1845, as the date when Mr. Jackson's successor took office. The Blue Books of 1877, 1878, 1879 and 1880 give the same date; the Blue Books since 1871, including 1899, give February 22, 1845, as the date of appointment of Mr. Jackson's successor, Mr. Lynde. In the above sketch the date of termination of service of Mr. Jackson as attorney general is, therefore, left in doubt.

BENJAMIN WILKINS JAMES.

Born: Otsego, Columbia county, Wisconsin, September 2, 1847.

Died: Otsego, Wisconsin, February 8, 1885.

For two years he was a student at Wayland College, Beaver Dam, and graduated with honors from the Wisconsin State University in 1872, and from its college of law in 1873. In the same year he settled at Wausau and practiced his profession most of the time with Charles F. Crosby. "His promising career was cut off by an early death."

Reference. History of the Bench and Bar of Wisconsin, II, 582, whence above brief quotation; Extract from records of University of Wisconsin, sent Jan. 15, 1901.

WALTER WARREN JENKINS.

Born: Baraboo, Wisconsin, October 10, 1864.

Died: Chippewa Falls, Wisconsin, April 9, 1898.

He moved to Chippewa Falls in 1878, graduating from the Chippewa high school, June 8, 1883, and from the college of law of the University of Wisconsin in June, 1887.

Immediately after graduation he was admitted to practice by the supreme court of Wisconsin and formed the partnership of Marshall and Jenkins, at Chippewa Falls. In January, 1889, with his brother, John J. Jenkins (now member of congress from the Tenth district of Wisconsin) he formed the partnership of Jenkins and Jenkins, which continued until the death of the subject of this sketch.

"As a lawyer, from his first entering the profession, he was exceptionally active, industrious and successful, and had at the time of his death a large clientage, especially among business men."

Reference. History of the Bench and Bar of Wisconsin, II, 462, from which is above quotation.

JOHN B. JILSUN.

Born: Paris, Oneida county, New York, 1814.

Died: Kenosha, Wisconsin, May 20, 1877.

Having acquired a rudimentary education he entered Clinton Liberal Institute and upon completing the course of studies taught in that institution, he entered the law office of Hon. John Dickson, of West Bloomfield, New York. With him he studied law until fitted for admission to the bar. In 1840 he removed to Southport (now Kenosha, Wisconsin,) and was there admitted to the bar in 1841. In that place he opened an office and immediately entered upon the practice of his profession, which he successfully continued there until a short time prior to his death. He took a deep interest in the general welfare and devel-



SAMUEL ALBERT HARPER.

opment of his adopted town, particularly in educational matters. Almost continuously up to the time of his death he held some office directly connected with the schools and was school superintendent and president of the school board for many years and did much for the improvement of the condition of the schools in Kenosha, and the advancement of the cause of education generally. He held at different times official positions, such as justice of the peace, district attorney and county judge, and always "faithfully, conscientiously and satisfactorily discharged the duties appertaining to each."

In September, 1841, with N. P. Dowst as associate editor and E. H. Rudd as printer, he established the *Southport American*, a weekly newspaper of which he was the manager. The publication of this was continued for about nine years.

"Mr. Jilsun was a ready and pleasing writer for the press and frequently contributed to the local papers of his town articles upon education and other topics of interest."

"As a lawyer, he was possessed of good abilities and acquirements, industrious, painstaking and honorable in his practice and was a man of excellent character and habits, broad-minded and liberal in all his relations, kind, affable and pleasing in his associations with others, an affectionate husband and father, much attached to his family and home, and commanded and held the respect and esteem of all who knew him."

Reference: Sketch furnished by Mr. M. A. Baker, of Kenosha, from which the above quotations are taken. His pioneer case in the supreme court, *Slocum versus Damon*, July, 1845, is reported 1 Pinney, 521.

JOHN THOMAS JONES.

Born: Anglesea, Wales, May 21, 1836.

Died: Dodgeville, Wisconsin, November 21, 1891.

His parents emigrated to Wisconsin in 1852. They had given him a common school education in his native land, and he insisted, at the age of thirteen, that his parents permit him to enter a printing office to learn the trade. At this trade he was working until 1852, when the family crossed the ocean. He worked in Chicago, Illinois, in the winter of 1852 and 1853. He left for the city of New York in the spring of 1853, worked in book offices there over a year, and then found employment in the office of the Utica, New York *Herald*. After accumulating some money, he went to Whitestown Seminary, four miles from Utica. In the year 1855, he removed to Wisconsin and entered the Platteville Academy. He alternated in the attendance at the academy and in teaching school until the war broke out. His first experience in school teaching was in the town of Lima, Grant county, Wisconsin. He en-

listed in August, 1861, as a private in company E of the Thirtieth Wisconsin volunteers, and became, by successful promotions, first sergeant, second lieutenant, and first lieutenant. He was discharged with his regiment, in October, 1865. Upon returning from the army, he entered the office of the secretary of state of Wisconsin, as a clerk, and while there, passed his spare time in studying law. He graduated from the law department of the University of Wisconsin in the class of 1871, and entered on the practice of law at Mineral Point, in 1874, as partner of Alexander Wilson, former attorney general.

In the spring of 1876, he was practicing alone. He was elected judge of Iowa county in 1877, and removed to Dodgeville, the county seat, He was re-elected without opposition in 1881, and was re-elected in 1885 and 1889.

His death resulted from sickness contracted while in the civil war. He was buried at Dodgeville, the services at his funeral being in charge of the Williamson Grand Army Republic Post

Reference: Sketch furnished by his son, Arthur L. Jones, of Minneapolis, Minnesota, March 16, 1900.

GEORGE BETHEL JUDD.

Born: Watertown, Connecticut, March 26, 1801.

Died: Racine, Wisconsin, January 23, 1883.

He was admitted to the bar of the supreme court of New York, before Judge John Savage, May 18, 1827. He began practice in Herkimer county, New York, of which he was district attorney, in 1847. He was also colonel of the seventeenth New York militia.

He moved to Wisconsin in March, 1857, and was admitted to the bar of that state at Racine, April 20, 1857. He practiced at the bar in Racine, Kenosha, Walworth and various other counties in this state, also in the supreme court and in the United States district court at Milwaukee, and was still in active practice at his death, although then almost eighty-two years old.

Reference: Sketch furnished by his son; A. Cary Judd, March 23, 1900.

ALBERT LOUIS KALVELAGE.

Born: New York City, January 10, 1848.

Died: Janesville, Wisconsin, January 24, 1899.

When he was about two years of age his parents removed to Milwaukee, Wisconsin, where in his youth he attended the German-English Academy. From this school he entered the law offices of Smith and



MORTIMER MELVILLE JACKSON.



ALBERT LEWIS KALVELAGE.

Salomon. In 1874 he entered the University of Michigan, where he completed the classical and law course and where he graduated with honor. He was admitted to the Michigan bar. Returning to Milwaukee he entered the offices of Edward G. Ryan, where he remained for two years. At the end of that period he formed with Richard Burke a co-partnership in shorthand reporting. The firm of Burke and Kalvelage and Burke, Kalvelage and Harrison continued for six years. Thereupon he removed to Janesville and became the official reporter of the court in that circuit. He held this position until his death—about a quarter of a century.

“He possessed a clear and discriminating mind with a peculiar power of incisive statement which made his companionship agreeable, interesting and helpful. His great modesty led him to shrink from the active use of the powers which only his intimate friends knew he possessed.”

Reference. Memorial by the Rock county bar, from which above extract is made; Letter from his brother, J. B. Kalvelage, of Milwaukee, January 14, 1901.

JOHN AZOR KELLOGG.

Born: Bethany, Pennsylvania, March 16, 1828.

Died: Wausau, Wisconsin, February 10, 1883.

He studied law at Prairie du Sac, Wisconsin, receiving, however, much help by correspondence with Judge George Woodward, of Wilkes-barre, Pennsylvania. He practiced law at Mauston, La Crosse and Wausau in this state. While holding the office of district attorney of his county he enlisted in the war of the rebellion, entering the service as a lieutenant and quitting at the end of four years as brevet brigadier-general. He was a pension agent from 1865 to 1874 at La Crosse.

While residing at Wausau, Marathon county, he was a member of the senate during the sessions of 1879 and 1880.

References. Sketch by his widow, Mrs. John A. Kellogg, furnished March 30, 1900; Wisconsin Blue Book, 1899, 151.

HERBERT KNIGHT.

Born: Boston, Massachusetts, April 15, 1866.

Died: Panama, Colombia, South America, May 26, 1899.

He was educated at a military diocesan school at Reading, Pa., then at Lehigh University and later at Johns Hopkins University. He then accepted an appointment as sanitary engineer in New York, and later took charge of some railroad bridge construction in Kentucky. When his father became bishop of the diocese of Milwaukee in 1889 he re-

moved to that city and studied law with Mr. Francis Bloodgood and was admitted to the Wisconsin bar. During the term of office of Clarence S. Brown as district attorney, Mr. Knight was his assistant and afterwards became the late partner of William A. Walker, of Milwaukee.

Early in 1896 President Cleveland appointed him mineral land commissioner for Montana, which position he held until about six months after the beginning of President McKinley's administration.

Upon returning to Milwaukee he received an appointment as assistant general manager of a mining company in Ecuador.

He died of yellow fever on his way home from South America, while awaiting a steamer for New York.

Reference. Letter from his mother, Mrs. Elizabeth P. Knight, March 7, 1900.

CONRAD KREZ.

Born: Palatinate, Bavaria, April 27, 1828.

Died: Milwaukee, Wisconsin, March 8, 1897.

He was educated in the schools of Spires, Heidelberg and Munich, where he acquired a knowledge of the constitutional law of Germany. Involved in the German uprising of 1848 he emigrated to New York in 1851. In 1854 he removed to Sheboygan and began the practice of law. In 1857 he was city attorney of Sheboygan, and again from 1880 to 1882, and during 1859-1862 and 1870-1876 he was district attorney of the county. Early in the war of 1861 he enlisted as a private in Company E of the 27th Wisconsin volunteers. Promotion rapidly followed, so that towards the close of the war he was in command of the Third Brigade of the Third Division of the Thirteenth Army Corps. In 1885, having been appointed collector of customs at Milwaukee, he removed to that city and held his office four years. He was a member of assembly during the session of 1891, and in 1892-1894 city attorney of Milwaukee. He was also a member of the school board of Milwaukee and in 1896 commissioner of the circuit court. He was the senior member of the firm of Krez, Kellogg and Krez at the time of his death.

He was an author as well as lawyer. His poems were published in New York in 1875 under the title *Aus Wisconsin*.

References. 97 Wisconsin, XXXIV, where are a memorial and biography but where in the memorial the date of birth should be corrected; Wisconsin Blue Book, 1899, 177; Biography of Wisconsin Authors, 1893, 259; Proceedings State Historical Society of Wisconsin, 1897, 32.



HERBERT KNIGHT.

CHARLES WARREN LAKIN.

Born: Platteville, Wisconsin, December 23, 1851.

Died: Jacksonville, Florida, October 31, 1886.

He removed with his parents to Milwaukee, and was in partnership with his father, George W. Lakin, under the firm name of George W. and Charles W. Lakin, from about 1876 to 1882.

• *Reference:* Private letter from his sister Miss Mildred M. Lakin, March 10, 1900.

GEORGE W. LAKIN.

Born: Harrison, Maryland, March 29, 1816.

Died: Milwaukee, Wisconsin, September 13, 1884.

He was educated at the Wesleyan Seminary at Readfield, Maine, graduating in 1837. The next year he began the study of law at Readfield Corners. In 1839 he removed to Missouri where he was admitted to the bar in 1841. He removed immediately to Wisconsin and opened an office at Platteville. In 1847 he was elected from Grant county to the Second Constitutional Convention in which he served on the committee on banks, banking and incorporations. He was a member of the state senate from the same county in the sessions of 1848 and 1849. In 1849 President Taylor appointed him United States district attorney for Wisconsin which office he held until the close of Mr. Fillmore's term in 1853. In 1854 he removed to Milwaukee where he practiced his profession until his death. He was at first partner of Mitchell Steever, and somewhat later he was assistant United States District Attorney. After Mr. Lakin's death grew to maturity the firm was G. W. and C. W. Lakin.

References: Fathers of Wisconsin, 235; Blue Book of Wisconsin 1899, 19, 152; Letter from his daughter Miss Mildred M. Lakin, February 12, 1900.

WARREN JAMES LANDER.

Born: Brighton, Somerset county, Maine, October 3, 1845.

Died: Green Bay, Wisconsin, November 28, 1892.

At an early age he removed with his parents to Kingston, Wisconsin. When he was seven years of age his father died.

He entered Lawrence University at Appleton in the autumn of 1865 and graduated as Bachelor of Arts in the summer of 1869 as valedictorian of his class. He was admitted to the bar in Outagamie county in 1870 and in 1871 took up his residence in Green Bay, Wisconsin, which

was his home until his death. Soon after he settled in Green Bay he was elected city attorney for Fort Howard and filled this position for six years.

"Mr. Lander was a man of more than ordinary intellectual power, he was an able and successful advocate; being of industrious and persevering habits he soon attained a high standing at the bar and acquired a competence for himself and family.

References: Sketch furnished by Mrs. Lander of Prospect Park, California, March 24, 1900; Memorial of the bar association of Brown County, Wisconsin, from which the above quotation is taken.

CHARLES HATHAWAY LARRABEE.

Born: Rome, New York, November 9, 1820.

Died: Near Los Angeles, California, January 20, 1883.

He was educated principally at Springfield, Ohio, Academy, and Granville College now Denison University, Ohio. He read law with General Samson Mason and W. A. Rogers of Springfield, Ohio. He engaged as civil engineer in the construction of the Little Miami railroad, the pioneer improvement of this kind in Ohio. In 1841 he went to Pontotoc, Mississippi, where in September, 1841, he was admitted to the bar and was an unsuccessful candidate for the state legislature on the Bond-paying Democratic ticket. The climate being uncongenial Mr. Larrabee moved northward settling in Chicago in July, 1844, where he engaged in the practice of law and edited the *Democratic Advocate*. He was in 1846 city attorney of Chicago. In March, 1847, he settled in Horicon, he himself naming the village and lake, and utilizing the water power by the erection of mills. He was a member from Dodge county of the Second Constitutional Convention, there being but two younger members. In July, 1848, he was chosen circuit judge of his district, gaining largely on his party and receiving every vote in Horicon. He served ten years on the bench; he served also as an associate justice of the supreme court as the circuit judges constituted that court until 1853. In 1852 Judge Larrabee was the nominee of his party for chief justice but failed of election. His opinions as an associate justice are in the third volume of Pinney. Judge Larrabee was elected to congress in 1858, taking his seat in December, 1859. He sought reelection in 1860, but was carried down with the Douglas presidential electors. On April 17, 1861, he enlisted as a private in the Horicon guard which had made a tender of its services for the first Wisconsin regiment. He was soon commissioned second lieutenant, in May, 1861, major of the Fifth regiment, and July 25, 1862, colonel of the Twenty-



WARREN JAMES LANDER.

fourth Wisconsin. On August 27, 1863, illness compelled his resignation and in the spring of 1864, he removed to California. After many changes of residence he located at Seattle, where he was a member of a convention to frame a constitution for Washington. This constitution was not accepted. He was one of five trustees to organize a University for the territory. He later removed to San Bernardino where he resumed the practice of his profession. He was killed in a railroad accident.

References: Wisconsin Historical Collections IX, 366; and X, 8, 11, where are a minute account of his life and a reference to his interest in founding the State Historical Society; Fathers of Wisconsin 237; Catalogue of the portrait gallery of the State Historical Society, 1892, 16; Wisconsin Blue Book, 1899, 19, 147, 145, 206.

JOHN WILLIAM LEARY.

Born: New Diggings, Lafayette county, Wisconsin, May 25, 1858.

Died: Madison, Wisconsin, February 10, 1897.

When eight years of age his parents moved to Blue Mounds, Dane county, Wisconsin. He attended a high school in 1882 and 1883, and in the fall of 1883 he entered the State Normal school at Platteville, from which he graduated in 1886. He next engaged in teaching and in 1889 graduated from the college of law of the State University. He opened an office in Madison and in 1890 was elected district attorney, securing re-election in 1892.

Shortly before his death he formed a partnership with L. B. Murphy.

Reference: History of the Bench and Bar of Wisconsin. II, 368.

HERBERT ALANSON LEWIS.

Born: New Haven, Addison county, Vermont, July 25, 1837.

Died: Madison, Wisconsin, January 4, 1884.

When about two years of age his mother died and he removed with his father to Cornwall, Addison county, Vermont, where he continued to reside until 1850. In that year he removed, with his father, to Wisconsin and settled in the town of Windsor, Dane county. He worked upon his father's farm, attending district school, and for one or two terms attended a select school or seminary in the village of Sun Prairie, Wisconsin, conducted by Professor W. N. Mason. For about two years he was a student in the University of Wisconsin, and for several years divided his time between working on a farm and teaching school.

In the war of the rebellion he enlisted as a private in the Fortieth Regiment, Wisconsin Volunteer Infantry, and served with that regiment until it was mustered out of service. He was with his regiment

at Memphis, Tennessee, at the time the Confederate General Forrest, made his famous raid into that city and was in the battle with Forrest's force.

While serving as a soldier in the army, in 1864, he was nominated by the republicans of Dane county for the office of clerk of the circuit court, was elected and held the office for two terms, or until January 1, 1869. During his incumbency of that office he read law and upon the completion of his second term as clerk of court was admitted to the bar. He did not immediately enter upon the practice but accepted a position tendered him by the proprietor of the *Wisconsin State Journal*, as the business manager of that establishment. This position he continued to occupy until the fall of 1876, when he became the partner of his cousin, H. M. Lewis, in the practice of the law under the firm name of H. M. and H. A. Lewis. Subsequently, by the admission of L. P. Hale, the firm became Lewis, Lewis and Hale. In 1881, by the withdrawal of Mr. Hale and the admission of Mr. Charles F. Harding, the firm became Lewis, Lewis and Harding, and so continued until the death of the subject of this sketch.

"Mr. Lewis was a man of high character and was clerk or secretary and one of the deacons of the First Congregational church of this city (Madison) in which church he was always a faithful worker and esteemed member."

References: 60 Wisconsin, I.V, where is printed the memorial of the Dane county bar; Letter from his cousin, H. M. Lewis, March 9, 1900, from which above quotation is made.

THOMAS LYNCH.

Born: Granville, Milwaukee county, Wisconsin, November 21, 1844.

Died: Antigo, Wisconsin, May 4, 1898.

He was educated in the public schools. He removed to Chilton in 1864, where he worked on a farm in summer and taught school in the winter, from 1867 to 1871. During these years he was chairman of the town board, and one year was chairman of the county board. He was a member of the assembly in the sessions of 1873 and 1883.

In the year 1873 he began the study of law with J. E. McMullen, of Chilton. He graduated from the College of Law of the Wisconsin State University in 1875, and began immediately the practice of the law with his former tutor as his partner, the partnership relation continuing until January, 1878, in which year Mr. Lynch was elected district attorney, and re-elected in 1880.

In 1882 he moved to Antigo, Langlade county, Wisconsin, and in 1885



HERBERT ALANSON LEWIS.

and 1888 he was mayor of Antigo. He represented his district in the fifty-second and fifty-third congresses of the United States.

Upon the close of his congressional service, Mr. Lynch gave his attention entirely to his practice.

References: History of the Bench and Bar of Wisconsin II, 443; Blue Book of Wisconsin, 1899, 179, 207, 208.

WILLIAM PITT LYNDE.

Born: Sherburne, New York, December 16, 1817.

Died: Milwaukee, Wisconsin, December 18, 1885.

His father removed to Homer, New York, in William's early childhood. He graduated from Yale, in the class of 1838, studied at New York University, and the Harvard Law School, and was admitted to the law in 1841 in New York, and settled in Milwaukee in 1841. From then until his death, he practiced his profession in that city. In 1842 he formed a partnership in the law with Asahel Finch. This partnership continued unchanged, (save as it opened in 1857 to admit Henry M. Finch and Benjamin K. Miller) until the successive deaths of Asahel and Henry M. Finch and Mr. Lynde, necessitated its reconstruction. Mr. Lynde was admitted a member of the bar of the supreme court of Wisconsin territory, July 1843, and his earliest reported case was *Bryant versus Barber*, 1 Pinney, 303, decided in the July, 1843, term. He was much in office. He was president of the trustees of the village of Milwaukee; acted for a short time and until February 22, 1845, as attorney general of the territory, under appointment of Governor Tallmadge; and was then district attorney of the United States. He was a member of the thirtieth congress, the first congress of Wisconsin's statehood, taking his seat June 5, 1848. In 1850, he was elected mayor of Milwaukee; was member of assembly in the session of 1866, member of the state senate in the sessions of 1869 and 1870, and member of the forty-fourth and of the forty-fifth congress. While in these congresses he was a member of the judiciary committee.

Mr. Lynde was always a member, and for many years an elder in the First Presbyterian church, and its successor, Immanuel Presbyterian church.

References: History of Milwaukee (1881) 666; 66 Wisconsin XXIX, a discriminating enumeration of his traits of character; Wisconsin Blue Book 1899, 130, 152, 179, 206, 207; Catalogue and Portrait Gallery of Wisconsin Historical Society (1892) 17; Buck's Milwaukee II, 96; 1 Pinney 2; Wight's The Old White Church 13, 14, 19.

ARTHUR MAC ARTHUR.

Born: Glasgow, Scotland, January 26, 1815.

Died: Atlantic City, New Jersey, August 26, 1896.

His parents removed to this country when Arthur was a child. He studied law in New York and was admitted to the bar in 1840. While practicing in Springfield, Massachusetts, he was appointed judge advocate of the western military district of Massachusetts. In 1849 he came to Milwaukee and in 1851 was elected city attorney. From January 7, 1856, to January 4, 1858, he was lieutenant-governor of Wisconsin, four days of which time—from March 21 to March 25, 1856, during the Barstow-Bashford controversy for the governorship—he was acting governor. Before his term as lieutenant-governor expired he was elected circuit judge of the second circuit and later re-elected, his service extending from 1856 to 1869. In 1870 he was appointed by President Grant an associate justice of the supreme court of the district of Columbia. His first opinion *Green versus Alexander*, 7 D. C., 147, was written December 21, 1870. Although he is said not to have resigned until 1887 or 1888 I cannot find that he sat in any causes decided later than March 2, 1885. See 3 Mackey, 572. Judge Mac Arthur edited three volumes of reports of the court of which he was a member and with Franklin H. Mackey, a fourth volume.

Aside from a volume of lectures on the law Judge Mac Arthur turned his pen to literary topics. He wrote a *History of Lady Jane Gray* and a *Historical Study of Mary Queen of Scots*, the latter extremely laudatory. He was also apt in conversation and a great favorite at the dinner table.

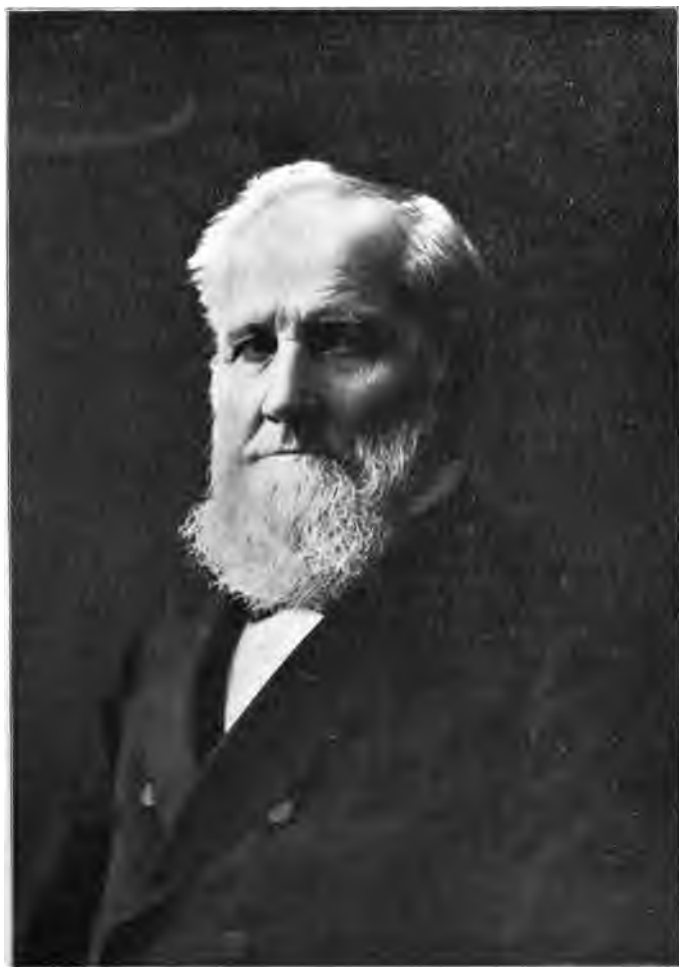
References: Proceedings State Historical Society, Wisconsin, 1896, 36; History of the Bench and Bar of Wisconsin I, 386; Wisconsin Blue Book, 1899, 142, 147.

JOHN P. MCGREGOR.

Born: Lennox, Madison county, New York, June 2, 1820.

Died: Milwaukee, Wisconsin, December 1, 1895.

Graduated from Hobart College, Geneva, N. Y., in 1843, and was tutor there two years. In 1845 was admitted to practice at the bar of the supreme court, New York. In 1846 he came to Milwaukee and with Henry Lowe opened a select school on the southeast corner of Jackson and Oneida streets. Abandoning the enterprise in 1848 Mr. McGregor began the practice of law with H. A. Tenney. In 1854 the firm was dissolved and he removed to Ottawa, Illinois. In 1856 he removed to Portage in this state and opened a bank which he operated until 1860. He returned then to Milwaukee and formed a partnership in the law with Edward G. Ryan. This continued about five years although by



JOHN ENDERS MANN.

what I presume is an error the partner's name appears in the directory of 1865 as James E. Ryan. Removing to Chicago in or about 1865 he lost his all in the fire of 1871. In 1876 he became the secretary of the Northwestern National Insurance Company and so continued until his death.

References: Buck's Milwaukee II, 266.; Proceedings State Historical Society, 1895, 36; Directory of Milwaukee, 1862; Directory of Milwaukee, 1865.

HENRY STERLING MAGOON.

Born: Monticello, Lafayette county, Wisconsin, January 31, 1832.

Died: Milwaukee, Wisconsin, March 3, 1889.

He was educated at Mount Morris Seminary in Illinois and in Western Military College, Drennon, Kentucky, graduating from the latter with the highest honors of his class in June, 1853. Subsequently he attended Montrose law school at Frankfort, Kentucky. In 1855 he was professor of ancient languages in the Nashville University.

In 1857 he returned to Wisconsin and began the practice of law at Shullsburg. In 1864 he removed to Darlington, to which place the county seat of Lafayette county had been transferred.

In 1859 and 1860 Mr. Magoon was district attorney of Lafayette county. He was a member of the state senate during the sessions of 1871 and 1872. He represented the Third district of Wisconsin in the Forty-fourth congress (1875-1877) being the first native of Wisconsin to represent the state in congress.

At the close of his term he resumed the practice of his profession in Darlington.

In September, 1886, he removed his family to Milwaukee and entered upon the practice of his profession there.

References. History of the Bench and Bar, II, 200; Wisconsin Blue Book (1899) pages 152, 207.

JAMES AUGUSTUS MALLORY.

Born: Union Village, Washington county, New York, September 28, 1827.

Died: Milwaukee, Wisconsin, November 3, 1899.

At an early age he moved with his parents to Erie county, New York, and was educated at Aurora Academy, near Buffalo.

He studied law in the office of Horatio Seymour, Jr., in Buffalo, and

was admitted to the supreme court of the state of New York, June 7, 1848.

Prior to this on June 10, 1845, he had been commissioned adjutant of the 48th Regiment of Infantry of New York, by Gov. Silas Wright.

He practiced law in Buffalo. In 1850 he removed to Milwaukee. He was admitted to the supreme court of Wisconsin December 30, 1852. For several terms he was district attorney of Milwaukee county and on March 2, 1860, was appointed first judge of the municipal court of Milwaukee county by Governor Randall, which office he held continuously until 1889.

He was admitted to the supreme court of the United States, March 28, 1866.

He was a delegate to the National Democratic Convention which nominated Seymour and Blair as president and vice-president in 1868.

He was democratic candidate for governor of Wisconsin in 1878 but was defeated.

References: Sketch furnished by his son, Rollin B. Mallory; History of the Bench and Bar of Wisconsin, II, 68; History of Milwaukee (Chicago, 1881) 660; Proceedings State Historical Society of Wisconsin, 1899, 94, where, however, the date of death is incorrect.

JOHN ENDERS MANN.

Born: Schoharie, New York, March 4, 1821.

Died: Milwaukee, Wisconsin, May 1, 1899.

He worked upon a farm and studied at the district schools and later at academies at Nassau, Jefferson, and Schoharie, New York. He graduated from Union College in the class of 1843. He was admitted to the bar in the supreme court of New York at Utica, in 1847. After practicing his profession seven years in Schoharie county, New York, he moved in May, 1854, to Wisconsin. He first settled at West Bend, where he formed a partnership with Leander F. Frisby. This partnership lasted for nearly five years.

In 1859, Mr. Mann was appointed judge of the Third Wisconsin Circuit to succeed A. Scott Sloan. He was elected in the spring of 1860, for the full term of six years and at the expiration of this period, December 31, 1867, he removed to Milwaukee. He entered into partnership with Frederick W. von Cotzhausen, which continued until February, 1874.

At that time he was appointed by Governor Taylor, to the position of county judge of Milwaukee county, to succeed Henry L. Palmer, resigned. He occupied that judgeship, by successive re-elections, until his death.

References: History of the Bench and Bar of Wisconsin II, 48; Wisconsin Blue Book 1899, 147; History of Milwaukee (Chicago 1881) 656; 104 Wisconsin XLI, where is printed the memorial of the Milwaukee bar; Proceedings of the Wisconsin Historical Society, 1899, 95.



MORGAN LEWIS MARTIN.

CORNELIUS K. MARTIN.

Born: Poughkeepsie, New York, April 16, 1828.

Died: Milwaukee, Wisconsin, October 23, 1882.

His youth was spent upon a farm, but being very lame as a result of hip disease when a child, he had more leisure for reading and studying than in those days was usually enjoyed by a farm boy, so that he early acquired the bent that made him desirous of acquiring a college education and admission to the bar. His academical course was carried on wholly by his own earnings, as was also a year in college work. He graduated from college in 1845. He removed immediately to Wisconsin, locating first at Troy, and afterwards at Milwaukee, in both of which places he taught school and studied law.

He was admitted to the Milwaukee bar in July, 1857, and practiced in that city until his death. He was for eight successive years district attorney for Milwaukee county.

"His practice was of a general nature but it is by his conduct of several important criminal cases that he is chiefly remembered."

References: History of the Bench and Bar of Wisconsin I, 605; 57 Wisconsin XXXII, where is a copy of the testimonial of the Milwaukee County bar.

MORGAN LEWIS MARTIN.

Born: Martinsburg, Lewis County, New York, March 31, 1805.

Died: Green Bay, Wisconsin, December 10, 1887.

Young Martin graduated at Hamilton College, Clinton, New York, in 1824, and acquired a thorough legal education in an office at Lowville, New York. In 1826 he removed to Detroit, Michigan, where he was admitted to the bar. On May 10, 1827, he began a residence at Green Bay, Wisconsin, which terminated only with his death. From 1831 until 1835 he was a member of the legislative council of Michigan, in which territory Green Bay then was. In the second legislative assembly, Wisconsin territory, he was a member of the council from Brown County, during all the four sessions of this assembly, from November 26, 1838, to August 14, 1840. He occupied a like position in the third assembly, serving in all the sessions, from December 7, 1840, until February 19, 1842. In the fourth assembly he served in the council during the first and second sessions only, from December 5, 1842 until January 31, 1844. During this period he argued many causes in the territorial supreme court—the earliest reported case being *Hagedon versus The State Bank of Wisconsin*, 1 Pinney, 61. He was territorial delegate to congress from September 22, 1845, for two years. He introduced into congress the bill to create the territory of Minnesota. Mr.

Martin was a member of the second constitutional convention, in 1847, and its presiding officer. In 1855 and again in 1874 he was an assemblyman; in 1858 and 1859 a state senator. During the war of 1861 he was paymaster in the army of the United States. From 1866 until 1869 he was Indian agent and from 1875 until his death he was county judge of Brown County.

Mr. Martin was a vice-president of the State Historical Society of Wisconsin from 1873 until his death.

References: Wisconsin Historical Collections XI, 280; where is a sketch of Mr. Martin's life by Mr. Ruben G. Thwaites, introducing the former's narrative of his career in Wisconsin; Father's of Wisconsin, 241; Catalogue of the Portrait Gallery of the Historical Society of Wisconsin, 1892, 18; Wisconsin Blue Book, 1899, 19, 752, 180, 206.

ROBERT RELLEVARO MENZIE.

Born: Dumfriesshire, Scotland, April 1, 1809.

Died: Delavan, Wisconsin, May 3, 1882.

He removed with his parents to the United States at the age of four years. His youth and much of his early manhood was spent in Schoharie and Chenango Counties, New York. He was educated at the high school and attended two terms at the Military Academy at Lancaster, Pennsylvania. At the age of eighteen years he commenced the study of medicine and graduated just before he became twenty-one years of age. He practiced medicine about four years in Otsego county, New York, and then abandoned his profession and commenced the study of law with Messrs. Ely and Bennett. After studying with them about eighteen months he removed to Hobart and studied with Lavinus Munson and was admitted to practice as an attorney at law and solicitor in chancery of the supreme court of New York at the age of twenty-eight years. He practiced several years in Delaware county and was district attorney of Schoharie county at the time of the anti-rent troubles in that state.

At the time of the commencement of the Mexican war he raised and was commissioned colonel of the 46th regiment of infantry and served throughout the war under Generals Scott and Taylor. In June, 1849, he returned from the war and removed to Delavan, Wisconsin, where he was immediately admitted to the bar of the circuit court and where he formed a partnership with the late Thomas McHugh.

He was admitted to the supreme court of Wisconsin in 1850 and to the United States supreme court in 1857, and to the supreme court of Illinois in 1865.

With the exception of a short time in Milwaukee and two years (1872-74) in Chicago he practiced continually in Delavan.

His peculiar field of study and practice was the criminal law, a study



ROGER H. MILLS.

in which he excelled and his indictments are said to have been invariably without flaw. In later years of his life his son, Silas W. Menzie, was his law partner.

In addition to being a physician and lawyer Mr. Menzie had in early life been apprenticed to the trade of a shoe-maker and while engaged in the practice of law had made at least a portion of his own footwear.

References: The *Delavan Republican* May 5, 1882; *Walworth County Independent*, October 12, 1882; *Wisconsin Historical Collections* X, 481, where he is called "an eminent criminal lawyer."

BENJAMIN KURTZ MILLER.

Born: Gettysburg, Pennsylvania, May 6, 1830.

Died: Milwaukee, September 12, 1898.

He removed to Milwaukee in 1839, with the rest of the family, of his father Judge Andrew G. Miller. He received his early education in Milwaukee, spent two years in Washington College, Pennsylvania, and then studied law with his father. He was admitted to the bar in Milwaukee, on the day he became of age, and practiced there until his death. The long established firm of Finch and Lynde opened in January, 1857, to admit him and Henry M. Finch. The successive deaths of Asahel Finch, Henry M. Finch, and William P. Lynde, beginning in 1883, broke up this long established firm, and resulted in the formation of the firm of Miller, Noyes and Miller, of which Benjamin Kurtz Miller, was the head. The panic of 1857, gave opportunity for Mr. Miller's peculiar talents, and proved his ability to disentangle business complications, and for many years he was connected, both as an official and a legal adviser with a large number of home and foreign corporations. In 1896 he gave \$5,000 to the Milwaukee Law Library. His will gives \$20,000 to Milwaukee-Downer College upon the termination of a life estate.

Reference: 101 *Wisconsin XXXI*, where is a memorial by the Milwaukee Bar; *History of the Bench and Bar of Wisconsin* I. 428, where is an excellent likeness and a full life; *Proceedings State Historical Society of Wisconsin*, 1898, 85.

JOSEPH MILTON MILLS.

Born: Lancaster, Grant county, Wisconsin, November 3, 1854.

Died: Lancaster, Grant county, Wisconsin, September 23, 1885.

He was the son of Judge Joseph T. Mills. His youth was spent in his native village, where he attended the public school and the Lancaster Academy. After spending a brief period at Beloit College he entered the Wisconsin State University, where he was graduated in 1875. During his course at the university he represented the state in the inter-

collegiate rhetorical contest, which occurred that year at Indianapolis, Indiana.

After graduation, he studied law in his father's office, he and his elder brother, Jared Warner Mills, now of Denver, Colorado, being fellow students. They were both admitted to the bar at Lancaster, September 4, 1879, and Joseph was admitted to the supreme court, September 11, 1877. He began his practice in this state and so continued until 1881, when he removed to Gunnison, Colorado, which was his residence until his death. Returning to Colorado after his marriage, in 1885, his health failed, and during that summer he came to Lancaster, where he died.

Reference: Sketch furnished by his sister, Mrs. Eva M. Anderson, of Maanitowoc, Wisconsin, March 27, 1900.

JOSEPH TROTTER MILLS.

Born: Paris, Bourbon county, Kentucky, December 18, 1811.

Died: Denver, Colorado, November 22, 1897.

In his youth he lived and studied with his uncle, Benjamin Mills, who was a judge of the court of appeals of Kentucky during the years when Littell and T. B. Monroe were reporters. In 1831 he moved to Illinois and soon after entered Illinois College at Jacksonville. He was one of the "Suckers" who visited the lead mines of Wisconsin in 1833 and returned the same year to Jacksonville. About 1834 or 1835 he came to Fort Crawford at Prairie du Chien as tutor to the children of Col. Zachary Taylor, then stationed at that point. There and in that vicinity and at Lancaster he lived and continued his legal studies. He was admitted to the bar of the territorial court held at Lancaster, March 27, 1844, Chief Justice Charles Dunn, presiding. He was a member of the assembly in the sessions of 1856, 1857, 1862 and 1879. From 1865 to 1877 he was judge of the fifth judicial circuit, with residence at Lancaster. He died at the residence of his son.

References: 98 Wisconsin, XLV, where a long and interesting account of his life and character is found; History of the Bench and Bar of Wisconsin, II, 162; Proceedings State Historical Society of Wisconsin, 1897, 33; Wisconsin Blue Book, 1899, 128, 147, 182; Wisconsin Historical Collections, V, 332, where the statement that Judge Mills conducted a private school in Grant county "in 1830 or '31," fixes perhaps too early a date.



ALFRED W. NEWMAN.

ROGER H. MILLS.

Born: New Hartford, Litchfield county, Connecticut, April 18, 1813.

Died; Beloit, Wisconsin, November 12, 1881.

His father was a lawyer and prominent man in his state, his grandfather a captain in the Revolutionary army, and his original paternal ancestor, Simeon Mills, who came from Windsor, England, about 1635.

He was admitted to the bar in 1836 from Yale College Law School, and at once began the practice of his profession in his native town with his father, where he remained until 1853, being eminently successful in the practice of his profession and esteemed by his associates and the community.

While a resident of Connecticut he was twice elected to represent his native town in the general assembly, and in 1848 was elected senator from his district and the following year secretary of state.

In 1849 he was candidate for lieutenant governor, nominated by the whig party and defeated by one vote. He held several other offices in the state; was judge of probate in his district twelve years. It was not so much the custom in that day and latitude, as now, to seek appointments to office, and Mr. Mills had no knowledge or intimation of his being a candidate for senatorial honors, or as secretary of state, until after his nomination for the offices tendered him.

In his political views he was always decided and pronounced; first a whig, and then a republican, but always according to his neighbors the right to their own political opinions.

In religious sentiments he was indented with the Congregational church and denomination.

He married Harriet A. North, of New Britain, Connecticut, in 1839. Seven children were born to them, of whom the first four died in early childhood; the other three, Roger Henry, John Hammond and Clara Burnham (now wife of Herbert W. Cooper) together with his wife are now in 1900 still living.

In 1853 Mr. Mills removed to Beloit, declining the office of county judge which was tendered him, and at Beloit continued the practice of his profession until a few months before his death declining all political preferment save municipal affairs, serving his town as mayor two or three terms, and always showing a readiness to aid in anything that tended towards the true uplifting of his fellow men. He had for many years up to the time of his death been an officer in his church and a trustee of Beloit College, devoting both time and money to each, and meriting in both public and private life the name, "The just man and the counselor."

JOSEPH McKEEN MORROW.

Born: East Aurora, New York, January 1, 1832.

Died: Sparta, Wisconsin, July 28, 1899.

Mr. Morrow began the study of the law with a Mr. Robinson of Buffalo, New York. Remaining there a year he moved in 1856 to Sparta, where he continued his studies with Graves and Rice. He was admitted to the bar about two years after before Judge George Gale. For five years thereafter he was partner with one of his tutors—the firm being Graves and Morrow. In the spring of 1864, driven by failing health he went to Montana where he remained two years. Returning the old partnership was renewed for another five years and then Mr. Morrow continued his profession alone. Later the firm of Morrow and Masters was formed.

In 1862 he was a member of the assembly. He was elected district attorney of his county in 1870, and six later terms. He was collector of internal revenue during the administration of President Cleveland. Upon the elevation of Justice Newman to the supreme bench, Mr. Morrow was appointed his successor in October, 1893, but he failed of election in April 1894, in a contest with Orvis B. Wyman.

References: Wisconsin Blue Book, 1899, 182, 147; History of the Bench and Bar of Wisconsin II, 235; Proceedings State Historical Society of Wisconsin, 1899, 95.

GEORGE HENRY MYERS.

Born: Middletown, Delaware county, New York, October 24, 1824.

Died: Appleton, Wisconsin, August 1, 1891.

When four years of age his parents removed to Erie county, Pa., where, on their farm, George worked until he was twenty years of age. He then attended Waterford and Erie Academies for three years, receiving, under date of November 22, 1847, a certificate of proficiency in the branches there taught and of his qualifications as a teacher.

He then studied law with Judge John H. Galbraith and on May 10, 1847, was admitted to the bar of Erie County, Pa.

In 1849 he removed to Appleton, Wisconsin, where he resided until his death. He was admitted to practice in the courts of the Fourth Judicial Circuit Oct. 25, 1849. He was the first lawyer to settle in Outagamie county and on its reorganization in 1852 he became its first district attorney, holding that office somewhat over two years.

On December 9, 1856, he was admitted to the bar of the supreme court of Wisconsin and on November 11, 1856, was admitted to practice in the United States district court.

In April, 1861, he was elected county judge for the term of four years,



JOHN NICHOLS.

but resigned in February, 1865. Meanwhile he served as draft commissioner under Governor Saloman. On resigning the office of county judge he served in the Volunteer army as adjutant of the Fiftieth Wisconsin. He resigned this office after six months.

Under a commission signed by President Andrew Johnson, July 18, 1865, he became postmaster at Appleton, receiving a like commission May 28, 1872, from President Grant and served as such postmaster until the expiration of his term in 1876.

Upon the resignation of Judge E. H. Ellis, of Green Bay, as judge of the 10th judicial circuit of Wisconsin, Governor Wm. E. Smith appointed George H. Myers judge of the said circuit to fill the vacancy caused by the last resignation. His commission was dated January 6, 1879. By election of the people Judge Myers was on April 1, 1879, elected as judge of the tenth judicial circuit for the remainder of the unexpired term of Judge Ellis and for a full term of six years from the first Monday of January, 1880. He was re-elected such judge for the term of six years from the first Monday of January, 1886.

He died before the expiration of his term.

References: Letter of John Bottensek of Appleton, March 5, 1900; History of the Bench and Bar of Wisconsin II, 434; Wisconsin Blue Book 1899, 147. In the last two references the surname is spelled Meyers.

ALFRED W. NEWMAN.

Born: Durham, Green county, New York, April 5, 1834.

Died: Madison, Wisconsin, January 12, 1898.

He was educated at an academy at Ithaca, New York, at Delaware Literary Institute, Franklyn, New York, and at Hamilton College from which latter institution he graduated in 1857. He was admitted to the bar in Albany, December 8, 1857. Within a month he started for Wisconsin, stopping first at Ahnapee, settling permanently in March, 1858, in Trempealeau. From 1860 until 1867 he was county judge, and from 1868 until 1874 he was district attorney, both of Trempealeau county. He was a member of the assembly of Wisconsin in the session of 1863, and of the state senate in the sessions of 1868 and 1869. He was circuit judge of the thirteenth and of the sixth circuits from 1877 until 1893, including two re-elections—in 1882 and 1888—without opposition. In 1893 he was elected associate justice of the supreme court and began his service on the highest bench of the state in January, 1894, as a successor of Hon. William P. Lyon. His death resulted from a fall on an icy sidewalk. Although his name appears as a justice of the supreme court in Volume 86, the first opinion ascribed to him is at page 26 of Volume 87.

References: 98 Wisconsin XXIX, where is the memorial of the State Bar Association; Proceedings State Historical Society of Wisconsin, 1878, 85; History of the Bench and Bar of Wisconsin I, 254, where there is an accurate portraiture; Wisconsin Blue Book, 1899, 183, 153, 147, 146, 129.

JOHN NICHOLS.

Born: Dracut, Massachusetts, October 6, 1810.

Died: Janesville, Wisconsin, June 25, 1898.

Notwithstanding his entire dependence on his own resources he early resolved to acquire a liberal education and in the face of many difficulties fitted himself for college. He graduated with high honors from Williams College in the class of 1839. Among his classmates were Stephen J. Field, of the United States supreme court and Professor Porter, of Beloit College. After graduation he was for some years principal of Walpole Academy, pursuing at the same time his law studies. Later he entered the law office of General Seth Cushman of Guildhall, Vermont. After admission to the bar and his marriage he removed to Janesville, Wisconsin. He reached this place July 23, 1847, and resided here until his death, a member of the bar at Janesville for more than half a century. For four years, beginning in 1849, he was clerk of the circuit court of Rock county, and from January, 1852, until April, 1858, he was deputy clerk of the same court. For several terms he was justice of the peace, and during the last years of his life and up to the time of his death he was circuit court commissioner.

"A broad sense of justice, freedom from prejudice and illiberality of thought and a gentleness of heart which lent sunshine to his presence were among the many characteristics of his nature. He was of positive conviction but with a simplicity of bearing and expression strikingly in keeping with a nature foreign alike to obtrusive assertiveness and unseemly ostentation." Until the end of his life he was a diligent student, as well in literature, in classic lore, and in the law, and after he was four-score years of age was a laborious student of the Hebrew tongue.

Reference: Memorial Rock County Bar, from which above extract is made.

NATHAN OLMSTED.

Born: Davenport, Delaware county, New York, October 17, 1812.

Died: Belmont, Wisconsin, April 15, 1898.

He moved to Wisconsin in 1838, and in 1840, settled at Belmont. He was appointed justice of the peace by Governor Dodge, and held this office at the time of his death. He was a member of the assembly in the sessions of 1851 and 1853, "and is said to have held more minor offices than any other man in the county." He was engaged in the practice of the law from 1860.

References: History of the Bench and Bar of Wisconsin, II, 205; Proceedings Wisconsin State Historical Society 1898, 85; Wisconsin Blue Book 1899, 194, where his surname is printed Olmstead and his address while in the legislature is given Cottage Inn, La Fayette county.



SPENCER ADAMS PEASE.

HARLOW SOUTH ORTON.

Born: Niagara county, New York November 23, 1817.

Died: Madison, Wisconsin, July 4, 1895.

After a common school education and study at Hamilton Academy, he entered Madison University, and received his degree from that institution. He taught school in Kentucky, while fitting himself for the law and in 1838 was admitted to the bar in La Porte, Indiana, whither he had removed in 1837. In the political campaign of 1840, he made nearly one hundred speeches for General Harrison. In 1843 the governor of Indiana appointed him probate judge of Porter county. When his term expired in 1847, he removed to Milwaukee. There for four years he practiced his profession. In 1852 he became the private secretary and legal adviser of Governor Farwell, and from that time made Madison his home. In 1854, 1859 and in 1871, he was a member of assembly. In 1859 he was elected judge of the ninth judicial circuit, and was re-elected without opposition. He resigned in 1865 to resume active practice. From 1869 to 1874, he was dean of the law faculty of the State University and an active lecturer. Upon his retirement he was created Doctor of Laws. In 1876 he was an unsuccessful candidate for congress in the Madison district, but in the following year was elected mayor of Madison. He became justice of the supreme court, April 18, 1878, and chief justice, January 1, 1894. His election as justice occurred upon the addition of two justices to the bench of the supreme court.

The statement above made that Judge Orton removed from Milwaukee directly to Madison, is controverted by the Collections of the Historical Society. Among the vice-presidents of this society in 1867 is "Hon. Harlow S. Orton, *Menasha*;" in 1868, "Hon. Harlow S. Orton, *Watertown*;" in 1869, "Hon. Harlow S. Orton, *Watertown*;" in 1870, and thereafter, "Hon. Harlow S. Orton, *Madison*." He continued to be vice-president until his death.

References: History of the Bench and Bar of Wisconsin I, 213; 90 Wisconsin XXXI, where is the memorial of the bar of the Supreme Court; Proceedings Wisconsin State Historical Society, 1895, 27; Wisconsin Historical Collections Vol. V-XII, contain frequent references to and articles by, this devoted friend of the society; Wisconsin Blue Book 1899, 184, 147, 146; 128.

JOHN JAY ORTON.

Born: Brookfield, Madison county, New York, April 25, 1812.

Died: Milwaukee, Wisconsin, January 25, 1885.

He attended the common schools in Niagara county, New York, and prepared for college at Burr Seminary, Manchester, Vermont, and graduated at Yale College in the class of 1842. He studied law in Albany,

New York, and was admitted to the bar in 1846. He located in Milwaukee in 1849, having as partners his brother, Harlow S. Orton, and J. B. Cross. Later the firm was J. J. and H. S. Orton. In 1873 and 1874 he was partner of E. G. Ryan. He continued in practice until his death. His litigation with Josiah A. Noonan and Peter McNab, growing out of a lease of a water power, is famous. It was in the supreme court in June, 1856, 4 Wisconsin, 335; the litigation ended, so far as the supreme court was concerned with the case of *Noonan versus Orton*, 34 Wisconsin, 259, in January term, 1874. There are twenty-seven titles in all in the reports. The litigation is stated to have impoverished and enfeebled Mr. Noonan.

References: History of Milwaukee (Chicago, 1881) 670; History of the Bench and Bar of Wisconsin, I, 497, where is autobiographical material.

IRA C. PAINE.

Born: Monkton, Vermont, 1805.

Died: Racine, Wisconsin, September 19, 1883.

In 1847 he came to Wisconsin and settled in Racine, where he lived until his death. In 1875 he was appointed judge of the circuit court to fill the vacancy caused by the resignation of Judge Robert Harkness, but was defeated in the contest for election. In 1878 he was an unsuccessful candidate for district attorney for Racine county.

References: Wisconsin Blue Book, 1899, 147; History of the Bench and Bar of Wisconsin, I, 356

GILBERT L. PARK.

Born: Scipio, Cayuga county, New York, August 31, 1824.

Died: Waukesha, Wisconsin, June 5, 1884.

His boyhood days were passed on his father's farm, work being intermingled with attendance at school in the winter.

At the age of fifteen he enlisted in the Hudson's Bay Company's service, and went up the Ottawa River to Hudson Bay and Fort Churchill on the Severn River. At the end of a year he returned from the north and went to Port Dover, where his father's family had settled.

Three years were spent at an academy in Millville, New York, after which he returned to Canada and engaged in business as a lumberman for two years. Meeting with reverses, he closed out his business in 1848 and removed to Kalamazoo, Michigan, where he prepared for the admission to the bar. He was licensed September, 1851. In November, 1851, he removed to Wisconsin and engaged in cutting saw logs on



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the Wisconsin River. In September, 1852, he formed a law partnership at Plover with James T. Alban, where he remained nearly four years. In June, 1855, he removed to Stevens Point in Portage county. He served as district attorney for Portage county from 1854 until 1858.

He was mayor of Stevens Point when the Civil War broke out, but resigned and became adjutant of the Eighteenth Regiment of Wisconsin Infantry. Later he was captain of Company "G" of that regiment and served with it nearly three and one-half years.

In 1865 he returned to Stevens Point and became a partner of D. Lloyd Jones, a connection which continued from 1872 until March, 1875. At the latter date Governor Taylor appointed Mr. Park to be circuit judge of the seventh district, to fill the vacancy caused by the resignation of Judge George W. Cate, who had been elected to congress. He was elected in April, 1875, to fill the remainder of Judge Cate's term and in 1878 was elected for the full term.

In 1883 he resigned on account of ill health and sought recuperation in travel, but his illness was too serious for his constitution and death soon ensued.

References. History of the Bench and Bar of Wisconsin, II, 285; Wisconsin Blue Book, 1899, 147.

WARHAM PARKS.

Born: Milwaukee, Wisconsin, November 5, 1840.

Died: Oconomowoc, Wisconsin, August 24, 1899.

Warham Parks was reared in Summit, Waukesha county, Wisconsin, whither his father, who had been receiver of the land office in Milwaukee, had removed in 1847. In 1861 he enlisted in the Third Regiment of Wisconsin Infantry and served continuously until August, 1865, having attained the rank of major and having been brevetted lieutenant-colonel for gallant and meritorious conduct in the campaign through Georgia and the Carolinas. After his discharge he took up the study of law in the office of Edwin Hurlbut, at Oconomowoc, and was admitted to the bar at Waukesha, March 20, 1867. He entered upon the active practice of his profession at Oconomowoc, where he resided until his death. In 1875 he was appointed judge of the thirteenth judicial circuit in place of Judge Sloan, deceased, a position which he filled for about one year, or until the election of James J. Dick as judge.

Under the administrations of Presidents Grant, Hayes, Arthur and Harrison Mr. Parks was postmaster of Oconomowoc.

During the twenty-eight years between his admission to the bar and his appointment on the bench "he assiduously pursued his profession" and "became widely known for his legal learning and ability."

References: Wisconsin Blue Book, 1899, 147; Sketch furnished by Judge M. S. Griswold, of Waukesha, from which above quoted clauses are extracted.

SPENCER ADAMS PEASE.

Born: Spafford, Onondaga county, New York, February 23, 1817.

Died: Montello, Wisconsin, December 19, 1887.

He received an academical education at Auburn, New York; came to Wisconsin in 1837, and settled at Salem, Kenosha county, where he began the practice of the law. In 1839, he abandoned the law and began the study of medicine, graduating from Rush Medical College Chicago. In 1850, he settled in Packwaukee, Marquette county, and removed in 1859, to Oxford, in the same county. At Oxford, in August, 1862, he purchased and edited the *Republican Express*, its name being the *Oxford Express*, from March to May, 1861, and thereafter *The Marquette Weekly Express*.

In 1857 and 1858, he was treasurer of Marquette county. In 1862, he removed to Montello, the county seat, and resided there until his death. He removed his newspaper to Montello, where he conducted it as *The Montello Weekly Express*, in association with different persons, until his death, with the exception of a few short periods.

He was a member of the assembly of Marquette county, during the sessions of 1865, 1866, 1870 and 1871. He was a delegate to the National Democratic conventions at Philadelphia, in 1866, at New York, in 1868, and at Baltimore, in 1872, and very frequently represented his county in state conventions.

After his service in the assembly in 1865, he resumed the practice of law, and from that time until his death, he was constantly in the three professions as a lawyer, an editor and a physician, and was familiarly known as Doctor Pease.

"Mr. Pease was an honorable member of the bar, and had a considerable practice in his own and adjoining counties."

References: History of the Bench and Bar of Wisconsin II, 376, from which above quotation is taken; Wisconsin Blue Book 1899, 185; Catalogue of newspaper files in the library of the State Historical Society of Wisconsin 1898, 174, 166; interview with Mr. Pease's son, Mr. Lynn R. Pease, of Milwaukee.

MELTON MOORE PHELPS.

Born: Freedom, Portage county, Ohio, January 19, 1839.

Died: Janesville, September 27, 1898.

He graduated in 1861, from college, at Meadville, Pennsylvania, and enlisted at once in the Pennsylvania reserves in the war for the Union. From that time, until 1863, he served as lieutenant and captain, and was continuously in the field excepting during sixty days, in which he was recovering from a gun-shot wound. He participated in several of the



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important engagements of the war, including the second battle of Bull Run and Fredericksburg.

In 1865, he removed to Janesville, and entered upon the practice of the law. He resided here until his death. He served as justice of the peace and public administrator, and for nearly six years, was judge of the municipal court for Rock county.

"If he was not a great lawyer, he was at least sound, safe and industrious, one who never disgraced his profession or his brother members of the bar. . . . In the performance of his official duties he was ever honest, painstaking, impartial and faithful, and while he was kindly sympathetic with the unfortunates who were brought before him, he ever tried to administer the law so as to deter people from committing offences and to protect the public in all personal and property rights."

Reference · Memorial of the Rock county bar, from which above quoted sentences are extracted,

SILAS U. PINNEY.

Born: Rockdale, Crawford county, Pennsylvania, March 3, 1833.

Died: Madison, Wisconsin, April 1, 1899.

Judge Pinney's father's family removed to Wisconsin in 1846, settling in Windsor, Dane, county. Silas grew up on a farm. When about sixteen years of age he began to teach school which he continued for three winters. His spare time was devoted to reading standard treatises on legal subjects. In April, 1853, he entered the law office of Vilas and Remington in Madison, and in February, 1854, he was admitted to the bar. In May, 1853, he became a member of the firm of Vilas, Roys and Pinney. The first case argued by this firm in the supreme court was in the June term 1854, *Cecil v. Barber*, 3 Wisconsin, 297. In 1856, Mr. Vilas retired from the firm, and the partnership of Roys and Pinney continued until the former's death in August, 1857. In February, 1858, Mr. Pinney and Jared C. Gregory formed the firm of Gregory and Pinney. In October, 1859, Chauncey Abbott was admitted and the style was Abbott, Gregory and Pinney. In 1860, James M. Flower became a member of the firm and continued for two years. Mr. Abbott withdrew in 1863. The firm of Gregory and Pinney continued until 1879. Pinney and Sanborn became the firm in 1883, and this designation continued until Mr. Pinney went on the bench. During this period of active practice he was occasionally in office. In 1858 he was city attorney of Madison, in 1865 an alderman, in 1874 mayor of Madison and in 1875 he was a member of assembly.

In 1865 Mr. Pinney edited Volume XVI of the series of Reports of the Supreme Court. The legislature of Wisconsin in 1870 by chapter 124 made provision for reporting and publishing the decisions of the

supreme court of the territory of Wisconsin, made during the period extending from the organization of the court, July 4, 1836, until Wisconsin was admitted as a state, May 29, 1848. Mr. Pinney was elected by the supreme court, under authority of said chapter to do this work. His task was subsequently extended so as to include the decisions of the supreme court of the state contained in all the volumes of Chandler's Reports, that is, through the December term 1852. The three volumes of Pinney's reports, therefore, contain all the decisions in Burnett and Chandler and many others. Volume I Pinney is prefaced with a history of Wisconsin and of its early bench and reporters, and volume III contains a collection of all the Rules of Practice of the early court.

Mr. Pinney became a candidate for associate justice of the supreme court in the spring of 1891. He was elected and took his seat January 4, 1892. His first opinion was that of *Karger v. Rich*, 81 Wisconsin, 177. He resigned from the bench November 9, 1898, hoping that a season of rest would restore his former vigor. For a time he seemed to rally but soon his decline became more pronounced and rapid.

Judge Pinney was curator of the State Historical Society from 1866, until his death.

References: 154 Wisconsin, XXXI, where is the Memorial of the Dane County Bar Association; Proceedings of the Wisconsin State Historical Society, 1899, 17; History of the Bench and Bar of Wisconsin I, 250, where is an excellent likeness; Wisconsin Blue Book, 1899, 186, 146.

JACOB VAN VECHTEN PLATTO.

Born: Schenectady, New York, January 17, 1822.

Died: Milwaukee, Wisconsin, January 2, 1898.

He was educated at Albany, N. Y., and entered the law office of Rufus W. Peckham. He was admitted to the bar in Albany in 1845. He came three years later to Milwaukee where he resided and practiced his profession until failing health warned him to desist. He was a member of the assembly in 1862.

References: Wisconsin Blue Book 1899, 186; History of Milwaukee (Chicago 1881) 669.

WILLIAM AUGUSTUS PRENTISS.

Born: Northfield, Massachusetts, March 24, 1800.

Died: Milwaukee, Wisconsin, November 10, 1892.

He was bred a merchant and resided in Jericho, Vermont, and was representative in the legislature of that state a number of times.

Mr. Prentiss removed to Milwaukee, Wisconsin, in the year of 1835, together with Dr. Lemuel W. Weeks. They reached Detroit, Michigan,



SAMUEL ANDREW RANDLES.

by boat, from Buffalo, New York, and the balance of the journey was made on horseback. There being no wagon roads at that early day they pushed forward to Lake Michigan shore and traversed the balance of the way on the beach. Upon reaching Chicago they found cholera raging among the troops in Fort Dearborn, hence they moved on to Milwaukee, which was reported to be a much healthier location. At that time Milwaukee contained one hundred white people, being vastly outnumbered by the Indians. Mr. Prentiss soon went east and in the fall of 1836 returned to Milwaukee with his family, consisting of his wife and two children. He became a permanent resident of the city and so continued until his death.

Upon his location in Milwaukee, Mr. Prentiss took up the study of law, though not devoting much time to court business. He was largely engaged as a land agent and investor in land. He was a member of the council during the second legislative assembly in its entire four sessions — an assembly which convened at Madison on November 26, 1838, and adjourned August 14, 1840. He was president of the council during its fourth session. His district consisted of Milwaukee and Washington counties and his fellow representative was Daniel Wells, Jr. Mr. Prentiss did not again appear in legislative life until he represented Milwaukee in the assembly during the sessions of 1867 and 1868.

He was elected mayor of Milwaukee in 1856 on the reform, or people's ticket, being the first republican to serve in that capacity. He was also, for several terms, a member of the city council and board of supervisors, and drafted many of the laws and ordinances of the village and city. He was one of the prominent active members of the Old Settlers' Club of Milwaukee, and was, in fact, the one mainly instrumental in its organization, drafting its constitution and was for a time its president.

References. Sketch furnished by his son, James S. Prentiss; Buck's History of Milwaukee, I, 219, where is a brief description of his appearance and character; Wisconsin Blue Book, 1899, 133, 186; History of Milwaukee (Chicago, 1881) 1580; Catalogue of the Portrait Gallery of Wisconsin Historical Society, 1892, 22; Proceedings State Historical Society, 1892, 25.

AMOS PEARSON PRICHARD.

Born: Bradford, Vermont, May 26, 1827.

Died: Janesville, Wisconsin, September 15, 1886.

He was the fourth son of George W. and Elizabeth Pearson Prichard. His family are of Welch extraction. They came to this country in the 17th century and settled in New England. His grandfather, Jeremiah Prichard, was an officer in the Continental Army.

The early years of Amos Pearson Prichard were spent in the schools of his native village and in Bradford Academy. In September, 1843, he entered the University of Vermont and graduated from that school on

the 4th of August, 1847. He commenced his legal studies in the law office of R. M. Ormsby, Esq., a prominent lawyer of Bradford in 1847, and was afterwards a student in the law office of John Smith and Ex-Governor John Gregory Smith.

On the 29th day of August, 1849, he entered the Harvard Law School and continued his legal studies until June 17, 1850. In November, 1850, he came to Janesville where his brother, Moses S. Prichard had already located. On his arrival at Janesville, he was admitted to practice in the circuit and supreme court of this state. In the year 1854 he was elected city clerk of the city of Janesville and was re-elected in 1855 and 1856 and held the office until he was elected to the office of county judge in 1857. While at the bar, he was associated with Hon. David Noggle, his brother, Hon. Moses S. Prichard and Hon. John M. Berry, late justice of the supreme court of Minnesota.

In the year 1857, he was elected county judge to succeed his brother, Moses S. Prichard. His term of office commenced on the 1st of January, 1858. He was re-elected county judge without opposition for eight terms. He was a careful and painstaking lawyer and a conscientious judge, in whom the people of his county had entire confidence.

MOSES S. PRICHARD.

Born: Bradford, Orange county, Vermont, April 8, 1822.

Died: Janesville, Wisconsin, October 19, 1896.

Mr. Prichard graduated at the University of Vermont in 1841. In the fall of that year he went to Virginia, where he taught school at Harrisonburg. In the spring of 1843 he returned to Vermont where he commenced the study of law and was admitted to the practice in 1845. In July, 1845, he moved to Wisconsin and settled at the hamlet of Janesville. At this place he passed his life.

He was at different times a partner of A. Hyatt Smith, John M. Berry, J. W. D. Parker, David Noggle, James H. Knowlton and A. A. Jackson. "His services as an office lawyer and counselor were always held in high esteem. While not conspicuous as an advocate in jury cases, still his services to those who were associated with him were of great value by reason of his learning and legal knowledge. His memory of principles and cases was most remarkable and it was said of him that he could at once put his hand upon some volume case and page that would settle a mooted question under discussion."

Mr. Prichard held at different times the offices of justice of the peace, police justice and court commissioner.

Reference: Memorial of the Rock County Bar, from which above quotation is gleaned. His name is sometimes spelled Pritchard. He was of Welsh extraction.



Oliver Raymond

SAMUEL ANDREW RANGLES.

Born: Argyle, New York, June 22, 1829.

Died: Waukesha, Wisconsin, December 17, 1882.

He was admitted to the bar in 1848. In the same year he removed to this state and settled in Delafield where he practiced as a lawyer and served as justice of the peace. He was later a resident at Summit. Upon being elected county judge of Waukesha County in 1860, he removed to the county seat. Being re-elected in 1864 he served in all eight years. He then resumed his profession. "His learning in the law was profound and withal he was a painstaking practitioner and an eloquent advocate."

References: Sketch furnished by M. S. Griswold from which above quotation is made.

JAMES OLIVER RAYMOND.

Born: McDonough, Chenago county, New York, May 31, 1831.

Died: Stevens Point, Wisconsin, April 14, 1897.

He was educated in the common schools and academies at Newark Valley and Owego, New York, and removed to Wisconsin in the spring of 1855. He first settled at Fond du Lac, but soon removed to Plover, in Portage county, where he was admitted to the bar in 1856, having previously studied law at Owego, in New York.

He formed a law partnership with Luther Hanchett, which continued until the latter's death in 1862. He was district attorney from Portage county, in 1857 and 1860, and in 1867 and 1868. He entered the military service in February, 1865, in the civil war, as orderly sergeant of company C 52d Wisconsin, and remained with that regiment until it was discharged in the following August.

In the session of 1866, he was a member of the assembly of Wisconsin. He removed to Stevens Point in July, 1873. In 1877, he formed a partnership with Willis W. Haseltine. He was postmaster at Stevens Point under President Garfield and President Arthur. He was appointed a member of the state board of normal school regents by Governor Upham and was re-appointed by Governor Scofield.

References: Wisconsin Blue Book 1899, 187; History of the Bench and Bar of Wisconsin II, 295.

ISAAC ROGERS.

Born: Mt. Vernon, Ohio, May 12, 1834.

Died: Janesville, Wisconsin, May 27, 1875.

His early education was obtained at the public schools of Mt. Vernon, Ohio, subsequently he was for two years a student at a law school in

Cincinnati He came to Janesville in 1857, and after two years' additional study, began, in 1859, the practice of law. He speedily gained a position of prominence at the Rock county bar and his services were constantly in demand. He possessed a sharp, vigorous intellect, and decided forensic ability. Like other Janesville lawyers, he made no distinction in his practice between kinds of cases, and was often retained in criminal causes. Mr. Rogers married on November 10, 1859, Miss Jennie C. Potter, daughter of Hiram Potter, of Janesville. Of the three children born to them two, William H. and George D., are still living. The former is night editor of the *New York World* and the latter is district passenger agent of the Northern Pacific railway. His widow resides at Beloit, Wis.

LINUS BONNER SALE.

Born: Evansville, Rock County, Wisconsin, May 7, 1844.

Died: Green Bay, Wisconsin, August 10, 1892.

His father died while he was but an infant. His early life was spent upon a farm. He attended the district schools and later the Evansville Seminary. In 1864 he enlisted in the Fortieth Wisconsin, Colonel W. A. Ray commanding, for service for one hundred days. He remained in service until the regiment was mustered out, his service being mainly in the vicinity of Memphis, Tennessee.

After his discharge from the army he entered the University of Wisconsin and graduated in 1870 with the degree of Bachelor of Philosophy. He graduated from the law department in 1872. The means to pay the expenses of his education was earned by teaching school.

Immediately upon graduating he entered upon the practice of his profession at Beatrice, Nebraska, remaining there until March, 1874.

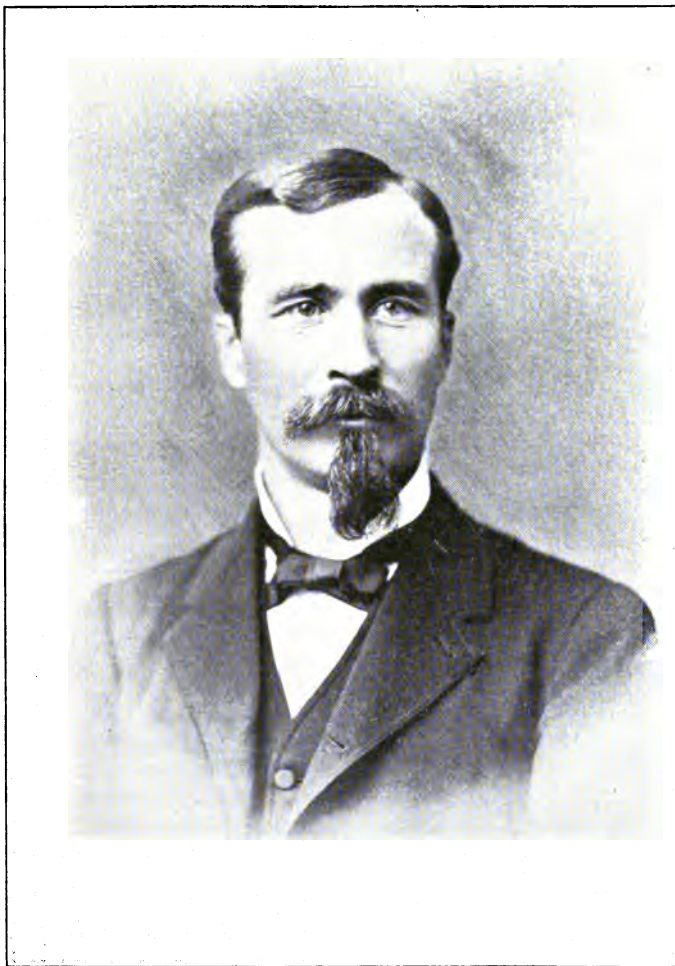
Upon the solicitation of C. E. Vroman he then moved to Green Bay, in this state, forming a law partnership with Mr. Vroman, which continued until January 1, 1892.

While at Green Bay, Mr. Sale served as a member of the Republican state central committee from his congressional district, was a member of the Board of Regents of the State University from 1879 to 1883, was a member of the staff of the late Governor W. E. Smith and for six years served as a member and president of the school board of Green Bay.

He and his two sons lost their lives in the Fox River at Green Bay by drowning.

"Mr. Sale was an industrious, careful, painstaking, conscientious and able lawyer, a lover of truth and justice, a sincere, earnest, intelligent, cultured, gentle and refined gentleman, cut down in the prime and vigor of a life of usefulness."

References: Sketch furnished by Mrs. W. H. Hobbs (formerly Mrs. Linus Bonner Sale) from which the above quotation is taken.



LINUS BONNER SALE.

BRADLEY GEORGE SCHLEY.

Born: Milwaukee, Wisconsin, August 3, 1857.

Died: Milwaukee, Wisconsin, June 18, 1895.

He received his education at St. Francis and was in the law department of the State University. At the age of twenty-one he was admitted to the bar. He formed with Howard Van Wyck and Clarence S. Brown the firm of Van Wyck, Brown and Schley. After the dissolution of this firm he was for a time under G. W. Hazelton as assistant United States district attorney. In 1882 he entered the office of A. L. Carey who was general solicitor of the Milwaukee, Lake Shore and Western Railroad. Upon the absorption of this road by the Northwestern he started in practice alone and was in active practice at his death. Mr. Schley was one of the organizers of the Juneau Club and of the Lawyer's Club and was vice-president for Wisconsin of the American Bar Association. He was a member of the Milwaukee Club, the Deutscher Club, the Country Club, the New York Reform Club and the Sons of the American Revolution.

References: Milwaukee *Sentinel* June 19, 1895; History of the Bench and Bar of Wisconsin I, 521; Files of the Society of Sons of the American Revolution.

REINHARD FREDERICK GEORGE SCHLICHTING.

Born: Stollham, Oldenburg, Germany, May 23, 1835.

Died: Chilton, Wisconsin, July 6, 1897.

He was educated in the schools of his native city and in 1847 with his parents removed to Sheboygan Falls, Wisconsin. In October, 1861, he enlisted as a private in the Ninth Wisconsin Volunteer Infantry and emerged from the war at its close as major in the Forty-fifth Wisconsin. In 1867 and 1868 he was district attorney of Sheboygan county, from 1868 to 1877 and from 1880 to 1882 he was clerk of his school district, and in the legislative sessions of 1874 and of 1875 he was a member of the state senate.

References: Wisconsin Blue Book 1899, 154; Proceedings State Historical Society Wisconsin, 1897, 34.

JOHN RICHMOND SHARPSTEIN.

Born: Richmond, Ontario county, New York, May 3, 1823.

Died: San Francisco, California, December 27, 1892.

At the age of 12 he removed to Romeo, Michigan, where he was educated at a branch of the University of Michigan. He was admitted to the bar of the supreme court of Michigan in 1847. In the same year he

removed to Wisconsin and opened a law office in Sheboygan. In 1849 he changed his residence to Kenosha, of which county he was elected district attorney in the next year. He is recorded as a member of the state senate from Milwaukee in the sessions of 1852 and 1853 but resigned his seat to accept the appointment of United States attorney for the district of Wisconsin tendered him by President Pierce. While in this office he represented Marshal Stephen V. R. Ableman in the case of Sherman M. Booth, 3 Wisconsin 1, arguing the cause in the state supreme court, but not when the cause was present on appeal in the supreme court of the United States (18 Howard 476, 21 Howard 506). In 1857, by appointment of President Buchanan he was postmaster of Milwaukee. At the same time he was proprietor of the *Daily Milwaukee News* which he purchased in April, 1856, and conducted with Joseph Lathrop until December, 1860, and from July, 1861, until September, 1862. In 1860 he was a delegate to the National Democratic convention at Charlestown, South Carolina, where he supported Stephen A. Douglas. In 1862 he was superintendent of schools of Milwaukee and in 1863 a member of the assembly. At the close of the session he resumed practice of law in Milwaukee with Henry L. Palmer as partner but unable to endure the rigors of the climate he removed to California in 1864. The resolutions of the Bar Association of Wisconsin and of his fellow citizens regretting his departure are printed in 96 California 677. He took up his residence in San Francisco. In 1874 Governor Booth appointed him to fill the vacancy in the bench of the twelfth district court. He held this position two years but failed of an election along with the party on whose ticket he ran. In 1879 he was elected associate justice of the supreme court and drew a three years term. In 1882 he was elected for the full constitutional term of twelve years and died in office. His decisions are reported in California Reports Vols. 54-96.

Reference: 96 California 678, where Judge Sharpstein's character is discriminated. Proceedings Wisconsin State Historical Society, 1893, 25, where, however, the death date should be corrected; Catalogue of newspaper in the library of the State Historical Society, 1898, 158; Wisconsin Blue Book 1899, 154, 190; History of the Bench and Bar of Wisconsin I, 427.

PHILEMON B. SIMPSON.

Born: Ashtabula county, Ohio, October 13, 1819.

Died: Mobile, Alabama, April 28, 1895.

He was raised in Jefferson county, New York, was admitted to the bar from the Cincinnati, Ohio, law college, in 1843, and began practice in Peru, Indiana, and on July 4, 1847, he took up his residence in Shullsburg, Wisconsin.

He held different village, county and town offices and was a member of the assembly in the session of 1853 and of the senate in the sessions



ANDREW SCOTT SLOAN.

of 1857, 1858, 1859 and 1860. He was chairman of the judiciary committee of each house while a member. He was a candidate for congress in 1863, but was defeated by Amasa Cobb by a small majority. He took an active part in much of the early mining litigation of the southwestern portion of the state, and was chairman of the assembly committee to whom was referred the charges against Judge Levi Hubbell, in the impeachment proceedings of 1853.

His death occurred while he had taken his wife to the south to recuperate.

"As a lawyer he always held a high standing but became incapacitated from active practice during the last thirty years of his life by a deafness, which gradually grew worse as his age advanced."

References: History of the Bench and Bar of Wisconsin, II, 212, from which above quotation is taken; Wisconsin Blue Book, 1899, 191, 154.

ANDREW SCOTT SLOAN.

Born: Morrisville, Madison county, New York, June 12, 1820.

Died: Beaver Dam, Wisconsin, April 8, 1895.

His education was limited to that afforded by the common schools and an academy at his birthplace. He commenced the study of law when about eighteen years of age and was admitted to practice in the supreme court of New York in 1842. He then was clerk of the court for three years and also served as register of deeds.

He practiced law at De Ruyter, New York City, until 1854, when he removed to Beaver Dam, Wisconsin, which was his home until his death. His first partner was H. W. Lander, the firm being Sloan and Lander.

He was a member of the assembly in the session of 1857. In the same year he was elected mayor of Beaver Dam and again in 1858 and in 1859. He was appointed judge of the old third judiciary circuit in 1858, upon the resignation of Judge C. H. Larabee, and held that office for about ten months. He was, however, defeated for election by John E. Mann in a very close contest. He was also defeated in the spring of 1860 by Luther S. Dixon as a candidate for chief justice of the supreme court of the state. In the fall of 1860, Mr. Sloan was elected to the Thirty-seventh congress as a representative of the Third district.

At the expiration of his term he resumed the practice of the law at Beaver Dam. In 1864 he was appointed clerk for the federal court of this state, which position he held for about two years, when he resigned.

In 1868 he was appointed county judge of Dodge county and later was continued in that office by election, holding it about six years in all. He was attorney-general of the state from January 5, 1875, to January

7, 1878. During this period the case of the attorney-general against the railroad companies, in the thirty-fifth Wisconsin, was argued, although he does not appear himself to have personally taken part in the argument.

Upon the termination of his service as attorney-general he resumed the practice of the law at Beaver Dam.

In 1881 he was elected judge of the thirteenth circuit, which position he held until his death.

References. 90 Wisconsin, XLVII, where is a memorial of the Bar of the Thirteenth Judicial Circuit, presented by S. S. Barney, now a member of congress from the fifth district; History of the Bench and Bar of Wisconsin, II, 523, where is a eulogy by H. W. Lander, president of the Dodge County Bar Association; Wisconsin Blue Book, 1899, 143, 147, 191 and 206.

ITHAMAR CONKEY SLOAN.

Born: Morrisville, Madison County, New York, in 1822.

Died: Janesville, Wisconsin, December 24, 1898.

Receiving only a common school education, he studied law. He taught school in Georgia during his student days. In 1848 he was admitted to practice law in New York. He studied law in the office of Timothy Jenkins, one of the legal giants of central New York. He was associated with Mr. Jenkins as law partner, and conducted successfully the Oneida Indian litigation. In 1854 Mr. Sloan located in Janesville, and soon took rank at the fore with such lawyers as Matt. H. Carpenter, John R. Bennett, Charles G. Williams, David Noggle and others, then constituting a notably strong bar. In 1858 he was elected district attorney, and in 1862 elected to congress, serving two terms. He served on important committees during the most eventful part of the war, and left an honorable record of useful service. In 1875 he removed to Madison, and rendered important service to the state as special counsel in the Potter Law or granger litigation. His arguments in that contest are spoken of as among the ablest ever having been made by any lawyer in the west. Mr. Sloan took part in some of the most important litigation in the west. In the celebrated Whiting case, the doctrine was settled that the municipalities, county, city or village cannot raise money by tax to donate to railroads. In the Madison and Portage railroad cases, the Ford will case, and the Chippewa River Dam case, and in many of the earlier cases that settled the interpretation of our tax laws, Mr. Sloan demonstrated that he was a lawyer of eminent ability and learning. His prominence in the profession is attested in some eighty volumes of the supreme court, and they are records of the fact that he was engaged in most of the far reaching litigation of the state



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during his long career in the law, and the profession in the state accorded him a place among its ablest and most brilliant members. As an advocate he was strong, logical and ingenious. Calm and sedate in manner he had a keen sense of humor and in the use of language had rare felicity in concise expression of thought. For many years Mr. Sloan was lecturer in the University Law School, and for ten years was Dean of the Law Faculty. His lucid, deliberate exposition of the law, in a style clear and impressive, made him an able instructor. He was recognized in the west as an authority on real estate law. A member of the supreme court of the United States said of Mr. Sloan, "that he was one of the most logical and comprehensive lawyers that had appeared at the bar of that court."

"Mr. Sloan retired from the office of Dean of the Law Faculty of the University in 1889, and retired to his farm near the city of Janesville.

DAVID WILSON SMALL.

Born: Frankfort, Pennsylvania, December 28, 1827.

Died: Oconomowoc, Wisconsin, October 25, 1899.

He graduated at Nazareth Hall, a Moravian College, in 1848. In 1850, he was admitted to the bar and removed to Wisconsin settling May 12, 1851, in Oconomowoc, which was his residence the remainder of his life. He was district attorney of Waukesha county in 1862 and in 1868, and from 1869 to 1880 he was judge of the circuit then composed of Milwaukee and Waukesha counties. After filling out his second term on the bench he had an office for some time in Milwaukee, but during the last ten or twelve years of his life he ceased the practice and gave his attention wholly to his private business.

References. Wisconsin Blue Book, 1899, 147; Proceedings of the State Historical Society of Wisconsin, 1899, 97; History of the Bench and Bar of Wisconsin I, 388; Sketch furnished by Judge M. S. Griswold of Waukesha.

ABRAHAM HYATT SMITH.

Born: New York City, February 5, 1814.

Died: Janesville, Wisconsin, October 16, 1892.

Was admitted to practice in the courts of New York City in 1835, and in the supreme court in 1836. He arrived in Janesville, November 22, 1842. In 1846 he commenced operating the first mill in Janesville. On August 4, 1845, he was appointed by Governor Dodge, attorney general of the territory and he was a member from Rock county, of the first

constitutional convention. In 1848, President Polk appointed him United States attorney. He was the first mayor of Janesville, in 1853; he was again elected mayor in 1857. He was one of the commissioners, appointed by Laws of 1847, page 72, to receive subscriptions to the stock of the Lake Michigan and Mississippi railroad company, and was one of the like kind of commissioners as to the Milwaukee and Janesville Plankroad company, appointed by laws of 1848, page 88. Mr. Smith likewise started the Rock River Valley Union Railroad company, and went abroad to negotiate its bonds.

In October, 1846, the Historical Society of Wisconsin was originally organized by members of the territorial legislature. Mr. Smith, although not a member of the legislature, was the first president.

References: Proceedings of State Historical Society of Wisconsin 1862, 26; Catalogue of the Portrait Gallery of the State Historical Society, Wisconsin, 1892, 25; Fathers of Wisconsin, 148; History of the Bench and Bar of Wisconsin II, 517; Wisconsin Blue Book, 1899, 18, 130, 635. See *Baxter versus Payne*, 1 Pinney 501, for Mr. Smith's earliest reported case in the territorial supreme court.

EDWARDS PORTER SMITH.

Born: Burlington, Vermont, February 18, 1827.

Died: Beaver Dam, Wisconsin, December 8, 1899.

He commenced his education at Professor Taylor Lewis' Academy, in Waterford, New York; from there he went to the University of Vermont, and in 1847 completed his collegiate course in Union College, at Schenectady, New York. In May, 1849, he was admitted to practice in the second judicial circuit of Wisconsin, at Milwaukee. At that time he was a student and clerk in the office of Finch and Lynde.

He removed to the city of Beaver Dam, in October, 1849, and practiced there until January, 1872. During this period he was two or three times mayor of Beaver Dam, city attorney for two terms, and court commissioner from 1855 to 1872.

In 1866, his law partner, was David S. Ordway, then of Beaver Dam. Both of these gentlemen, in 1872, removed their office to Milwaukee, and formed, with Mr. Mariner, the firm of Mariner, Smith and Ordway. Upon the dissolution of this firm, he entered the law office of Nath. Pereless and Sons, as a partner. In February, 1866, he joined the firm of Finches, Lynde and Miller. In January, 1890, he united fortunes with the legal department of the Union Pacific Railroad as associate general attorney.

Mr. Smith's given name was derived from President Jonathan Edwards, of Princeton College, who was his mother's grandfather. On his father's side he was descendant of Governor Winthrop.

"He is entitled to be classed not only as a capable, learned and well



PHILIP LORING SPOONER.

equipped lawyer, but as a genial gentleman, a good citizen and a worthy member of society."

References: Private letter from his daughter, Agnes Smith Galpin; of March 9, 1900; Eulogy by Judge J. M. Pereles, delivered at Mr. Smith's funeral; History of the Bench and Bar of Wisconsin I, 522; from which above quotation is extracted.

JOHN ANDREWS SMITH.

Born: New York, —, 1842.

Died: Geneva Lake, Wisconsin, September 10, 1881.

He removed to Wisconsin with his parents in 1845. He received a liberal education and studied law. He volunteered as a private in the war of 1861 and rose to the rank of captain before laying down his arms. He was a member of the assembly in 1868 and 1869 and filled numerous offices of honor and trust.

References: Wisconsin Blue Book, 1899, 191; Wisconsin Historical Collections; IX, 461; X, 475, slightly amended.

PERRY H. SMITH.

Born: Augusta, Oneida county, New York, March 28, 1828.

Died: Chicago, Illinois, March 29, 1885.

He graduated at Hamilton College in 1843 and was admitted to the bar in 1849. In that year he settled at Kenosha and later removed to Appleton. In 1851, when twenty-three years of age, he was chosen the first judge of Outagamie county. He was member of assembly in the sessions of 1855, 1858 and 1859 and of the senate in the sessions of 1856 and 1857. In 1857 he became vice-president of the Chicago, St. Paul and Fond du Lac Railroad, and when this corporation became reorganized with the Chicago and Northwestern Railroad, became vice-president of the latter company and was prominent in its management for many years.

References: Catalogue of the Portrait Gallery of the Historical Society of Wisconsin, 1892, 25; Wisconsin Blue Book, 1899, 154, 191.

WINFIELD SMITH.

Born: Fort Howard, Wisconsin, August 16, 1827.

Died: London, England, November 8, 1890.

His father was stationed at Fort Howard at the time of young Winfield's birth. His name was given in tribute to General Winfield Scott,

of whose military family his father, Captain Henry Smith was a member for five years. In 1844 he entered an advanced class in the Michigan State University, and was graduated with high rank two years later. Upon his departure in 1846 from the University he took charge of a private school at Monroe, Michigan. In the year following he retired from the school and assumed the duties of private tutor to a small class of advanced classics, which gave him time to fulfill his long cherished desire to commence the study of law. In 1848 he entered the office of Isaac P. Christiancy, afterwards justice of the supreme court of Michigan and later senator of the United States. In October, 1849, he removed to Milwaukee, where he entered the office of Emmons and Van Dyke. In February, 1850, he was admitted to the supreme court of Wisconsin. In 1851 he opened an office in Milwaukee, practicing alone until 1855, when he formed a partnership with Edward Salomon, afterwards Governor of Wisconsin. This partnership continued fifteen years. He then entered into partnership with Joshua Stark, under the firm name of Smith and Stark, and later with Mathew H. Carpenter and A. A. L. Smith, under the firm name of Carpenter and Smiths. Upon Mr. Carpenter's death the firm name was changed to Winfield and A. A. L. Smith. This partnership terminated in 1883.

Soon after his admission to the bar, Mr. Smith was appointed to the office of United States commissioner and master in chancery, by Judge Miller of the United States court. This office he resigned in 1864. As commissioner it became his duty to issue a warrant of commitment of Sherman M. Booth, thus beginning the litigation, which continued over many years. See the Booth case, 3 Wisconsin 1.

Upon the resignation of James H. Howe as attorney general of Wisconsin in 1862, Winfield Smith was appointed to the vacancy by Governor Salomon and was elected by the people upon the expiration of Mr. Howe's term, serving in all from October 7, 1862, to January 1, 1866.

Mr. Smith's home in Milwaukee was broken up some few years before his death. He died while in travel abroad.

Reference: History of the Bench and Bar of Wisconsin I, 550, where is a long account of the public services rendered by Mr. Smith to the state while attorney general and of the important litigation in which he was engaged and a discriminating enumeration of his characteristics: Blue Book of Wisconsin 1899, 143. History of Milwaukee (Chicago 1881) 657; Proceedings State Historical Society, Wisconsin, 1899, 98.

PHILIP LORING SPOONER.

Born: New Bedford, Massachusetts, January 27, 1811.

Died: Madison, Wisconsin, November 2, 1887.

In 1826 his father removed with his family to Ohio, living in Mansfield, Marietta and Cincinnati; and in 1829 settled at Lawrenceburg,



GEORGE EATON SUTHERLAND.

Indiana. At this last place Philip Spooner resided until June, 1859. At that time he removed to Madison which was his home until his death. He studied law with George H. Dunn of Lawrenceberg and became, after admission to the bar, his partner. His business took him also to Cincinnati. After removing to Madison he practiced until about two years before his death, and was assistant attorney general of Wisconsin most of the time from 1868 until 1874. In the spring of 1861 he was appointed official reporter of the supreme court and his name appears as such on volumes XII-XVI of the decisions of that court. He resigned in 1864. A few years after the organization of the law school of the University of Wisconsin he became one of its professors and occupied his chair until about six years before his death. Notwithstanding failing health he lectured occasionally before the classes until he passed his seventy-fifth year.

References: 72 Wisconsin, XXVII, where his character is delineated; Wisconsin Historical Collections X, 458; History of the Bench and Bar of Wisconsin II, 382, 399.

EZRA THOMPSON SPRAGUE.

Born: Windham, Connecticut, June 23, 1833.

Died: Salt Lake City, Utah, December 30, 1888.

He fitted for college at West Killingly Academy, Connecticut, and graduated from Amherst College in 1855.

In 1856 he removed to Madison and began the study of law with Smith and Keyes. He was admitted to the bar in April, 1857, and practiced in that city until the breaking out of the Civil War. He enlisted as a private in the First Wisconsin Infantry, and was promoted to corporal and then sergeant, and on the expiration of the period for which that regiment was mustered in he became adjutant of the Eighth Wisconsin. While connected with it he acted as adjutant of the brigade of which it formed a part, and later as assistant adjutant of the division. In the fall of 1864 he became colonel of the Forty-second Wisconsin, and during the last months of the war was in command of the troops at Cairo, Illinois. In June, 1865, he was brevetted brigadier-general. At the close of the war, Colonel Sprague engaged in the practice of the law at Depere, Wisconsin, and continued therein until he was appointed judge of the tenth circuit, in April, 1870. He served until 1872.

In the spring of 1873 he removed to Salt Lake City, Utah, for the benefit of his health. From 1875 until 1888 he practiced law there, serving one term as assistant United States attorney.

References: History of the Bench and Bar of Wisconsin, II, 432; Wisconsin Blue Book, 1899, 147.

ALVA STEWART.

Born: Morrisonville, Madison county, New York, October 21, 1821.

Died: Portage City, Wisconsin, December 31, 1889.

He came to Wisconsin in the year 1847, at that time a member of the bar. He settled at Fort Atkinson in Jefferson county. He was a representative of his district in the assembly in the session of 1850 and of the senate in the sessions of 1852 and 1853.

"The practice of the profession at this period in the history of the state was not highly remunerative and he engaged for a short time in business pursuits at Portage City, Wisconsin, ultimately returning to his exclusive professional duties as early as 1855, which he continued with success until he was appointed judge of the ninth judicial circuit, by Governor James T. Lewis, February 4, 1865, to fill the vacancy caused by the resignation of that position by Honorable Harlow S. Orton, and he continued to hold it by successive elections without opposition, until death overtook him in the faithful discharge of judicial duty."

Judge Stewart was a man of great individuality, independence and force of character. It is doubtful if there will ever again be a judge in the state at all resembling him. All his mental characteristics were intensely practical. It was difficult, if not almost impossible, for him to deal with a complicated question of priority of land title or lien, or of constructive notice; and he had almost a contempt for the English system of real estate law, with its minute and elusive distinctions. He once adjourned for three months a case involving religious doctrine and the dogma of election because the weather was too hot, he said, to make it safe to labor on such a question. But on business questions, the ordinary accounting cases, practical questions of all kinds tried either by court or jury, he grew to be a master. Such cases he tried with great ease and accuracy. His judgment of men was most accurate, and his estimate of the weight and credibility of the testimony of witnesses in court was almost infallible.

He had some very strong leanings and prejudices, but they never seemed to affect his impartiality as a judge. As an instance of this it may be mentioned that he had a natural, deep-seated aversion to dogs. He didn't like them, and never took any pains to conceal it. But he could try a dog case just as fairly as any other case. His strong prejudice against dogs, and feeling of criticism for their owners, in no way affected his love of fair play and high sense of his duty as a judge.

References: Wisconsin Blue Book (1899) 154, 192 and 147; History of the Bench and Bar of Wisconsin, II, 318, where is a memorial presented to the circuit court of Dane county, by S. U. Pinney, April 7, 1890, and a eulogy of his life by Judge Siebecker, both going at some length into the characteristics of Judge Stewart. Above quotation is from Mr. Pinney.



EDWARDS PORTER SMITH.

MOSES McCURE STRONG.

Born: Rutland, Vermont, May 20, 1810.

Died: Mineral Point, Wisconsin, July 20, 1894.

Mr. Strong was always anxious that he should not be confused with Marshall Mason Strong, likewise an early settler and pioneer lawyer, likewise a descendant of Elder John Strong. For the purpose of distinguishing the two kinsmen, the pedigrees of both these pioneers are printed in *Proceedings of the annual meeting of the State Bar Association*, Madison, 1883, 131, 133.

Our subject studied three years in Middlebury College and one at Dartmouth, and took his bachelor's degree from the latter institution in 1829. After one year in study in a law office he entered the law school at Litchfield, Connecticut, where he remained one year also. He was admitted to the bar in that state in 1831. Returning to Vermont he was appointed in 1833 deputy surveyor general of Vermont. Being in the city of Washington in 1836 he became the agent of a syndicate formed for the purchase of Wisconsin lands. He moved at once to Mineral Point and opened there a law and land agency office. The capitol of the new territory having been fixed at Madison (Laws of 1836, Number 11, approved December 3, 1836), Mr. Strong with the help of his partner, John Catlin, went to the present site of Madison and staked out the center of the village plat. This was in February, 1837. From 1838 to 1841 Mr. Strong was United States district Attorney by appointment of President Van Buren. This official position did not, however, interfere with his private practice as the constant recurrence of his name in the early reports shows. His first reported case was *Johnson versus Wilson*, 1 Pinney, 65, argued in the July term 1839. Between 1841 and 1846 he was a member of the legislative council. He was a member of the legislature when James R. Vinyard shot Charles C. P. Arndt February 11, 1842, was the only member of the council who opposed the expulsion of the murderer and was the latter's counsel. Mr. Strong was a member of the first constitutional convention. In 1850 he was a member of the assembly from Mineral Point, and speaker. Again in 1857 while residing at the Newhall House Milwaukee as land commissioner of the La Crosse and Milwaukee Railroad he was elected an assemblyman to represent Milwaukee. From 1852 until 1857 he was president of the above named railroad and of the Mineral Point Railroad company but the crisis and crash of 1857 caused him to withdraw with loss from these enterprises and resume the practice of law. He was engaged in the pursuit of his profession at Mineral Point for the remainder of his life.

Upon the organization of the State Bar Association of Wisconsin January 9, 1878, (for an account of which by Mr. Edward P. Vilas, see *History of the Bench and Bar of Wisconsin* I, 314), Mr. Strong was elected the president and so continued by successive re-elections until

1893. The most ambitious and complete nerology of the Bar of Wisconsin yet published was prepared by Mr. Strong, and published in the Report of the Annual Meeting of this Society for 1881. It brings the sketches of deceased lawyers to the date of the meeting of the Society in 1881, June 14.

In the Collections of the Historical Society of Wisconsin Volume VIII, (Madison, 1879), Mr. Strong published *The Indian Wars of Wisconsin*, a monograph of forty-five pages. From 1875 until his death Mr. Strong was one of the vice-presidents of this Society. His *History of the Territory of Wisconsin, 1836-1848*, (Madison, 1885), published by the state. (See Laws of 1885, Chapter 285), while accurate as a book of annals has been regarded as written with too tender-hearted and impersonal a pen, as being a chronicle not a history.

Mr. Strong was a member of the State Board of Law Examiners from 1885 until his death.

References: Fathers of Wisconsin 172; History of the Bench and Bar of Wisconsin II, 224, where is a fine portrait; 90 Wisconsin LIX, where Messrs. P. A. Orton, William F. Vilas and Silas U. Pinney give interesting details of his character; Catalogue of the Portrait Gallery of the State Historical Society of Wisconsin, 1892, 27; Wisconsin Historical Collections VI, 348; VII, 9, 446; VIII, 241; X, 87; XI, 408; XV, 392.

ALDEN SPRAGUE SANBORN.

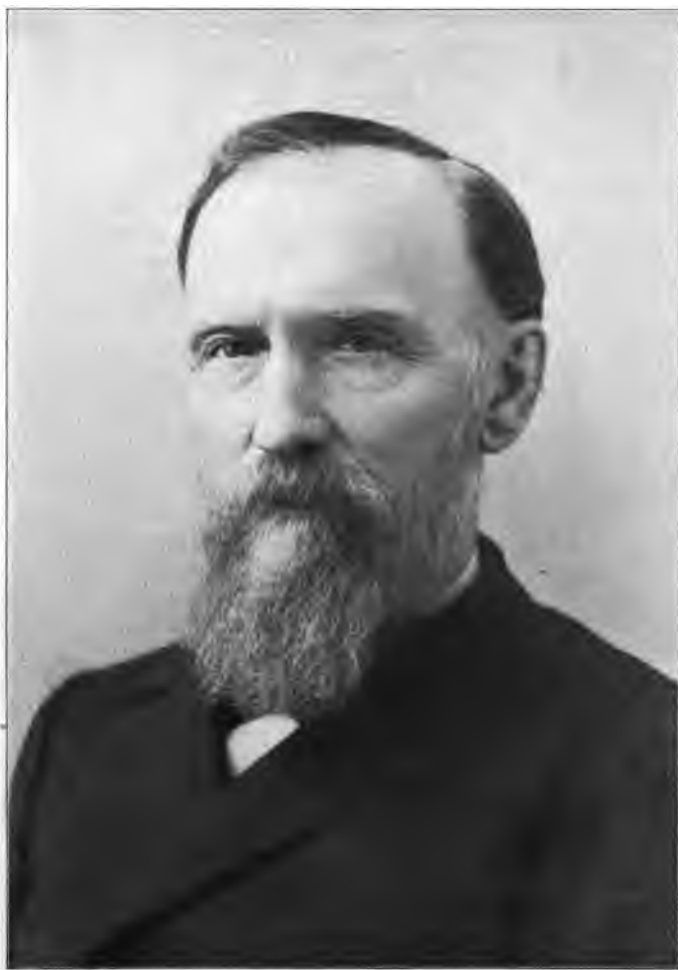
Born: Corinth, Vermont, October 21, 1820.

Died: Madison, Wisconsin, November 19, 1885.

He was admitted to practice law in Orange county, Vermont in 1846. He came to Wisconsin in September following; taught school in Milwaukee for several terms, was elected treasurer of Milwaukee county in 1848; removed to Appleton, then in Brown county in 1850; was district attorney of Brown county in 1851 and 1852; district attorney of Outagamie county 1853 and 1854; was commissioner to locate the Wisconsin hospital for the insane. He removed to Dane county in the fall of 1854; resided at Mazomanie from May, 1855, to May, 1864, when he removed to Madison where he continued in active practice until elected county judge. He was member of assembly, in 1862, 1863, 1864 and 1870. He was elected mayor of Madison in 1869 and 1870. He was elected county judge of Dane county in 1877 and twice re-elected.

"As a lawyer he was especially studious painstaking and methodiical. His love for order and neatness amounted to a passion. He could not endure careless or slovenly work. As a judge he was careful and watchful over the interests of the estates which were administered in his court.

"Personally he was a man of strongly marked characteristics. His intellectual faculties were so keenly alive that he could not have faith



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where the intellect failed to enlighten while his emotional nature and his affections were so strong that the conflict between doubt and desire with respect to the future made the life of the man a constant state of unrest. It was hard, practically impossible for him to reconcile himself to an existence from which death removed the objects of his affections to some realm where his intellect gave no assurance of their restoration. He was intensely a social and companionable man, and only in congenial society could he overcome the melancholy which deeply affected his whole nature.

Although his intellectual strength and culture had lifted him above the humbler sphere of association—he was always in close touch and especially in intimate sympathy with the common people. He knew their life—their burdens and sorrows—and when he met them it was always on the terms of the fellowship of kindred humanity."

References: Memorial of Dane county bar. Personal tribute of F. W. Hall, of Madison Bar, from which above quotation is taken.

GEORGE EATON SUTHERLAND.

Born: Burlington, New York, September 14, 1843.

Died: Chicago, Illinois, September 13, 1899.

On the 30th of September, 1862, Mr. Sutherland enlisted at Utica, New York, in Battery "A." of the First New York Artillery. With this command he served in the army of the Potomac until September, 1864. He had been commissioned, under date of July 23, 1864, as a captain in the Thirteenth Heavy Artillery, United States Colored Troops, about to be raised, and was sent to Kentucky on recruiting service. He was wounded and captured in a skirmish at Eddyville, Kentucky, on the 13th of October, 1864, but was soon paroled. On January 19, 1865, he was mustered in as captain of Company "B," Thirteenth Heavy Artillery, United States Colored Troops. He commanded posts at Caseyville and Owensboro, Kentucky, and acted as commissary of subsistence at Smithland for several months. The last three months of his service he was a member of the military commission and court martial at Camp Nelson and Louisville, Kentucky. He was mustered out November 18, 1865.

Upon leaving the army Mr. Sutherland undertook a classical course first at Ripon College and then at Amherst College, whence he graduated with honors in 1870. He then entered upon the study of law in Utica, New York, and then entered the Columbia College Law School, graduating therefrom in 1871. He was admitted to the bar in Oshkosh, September 1, 1871, and thenceforth made his home in Wisconsin. In 1872 he was elected city attorney of Ripon, in 1874 he removed to

Fond du Lac and formed a partnership with David Taylor, afterwards one of the justices of the supreme court.

He was a member of the senate of Wisconsin during the sessions of 1880 and 1881. Thereafter he was for some years postmaster of Fond du Lac. In 1886 he removed to Milwaukee where he continued in active practice of his profession. In the spring of 1897 he was elected one of the judges of the Superior court of Milwaukee county and died with great suddenness at Chicago while on his return home from a foreign trip.

He was deeply interested in the Loyal Legion of the United States and was during the years 1894 and 1895 commander of the Commandery of the State of Wisconsin.

References: Letter from D. D. Sutherland of Fond du Lac, March 20, 1900; Memorial issued by Wisconsin Commandery of the Loyal Legion of the United States, October 20, 1899; Wisconsin Blue Book (1899), 184; History of the Bench and Bar of Wisconsin II, 61, where is a faithful likeness.

WILLIAM MORRISON TALLMAN.

Born: Lee, Oneida county, New York, June 13, 1801.

Died; Janesville, Wisconsin, in 1878.

His ancestors were from New England. In 1816, he removed with his parents to Brooklyn, New York. He entered the academy at Norwalk, Connecticut, in 1822, and completed his studies and graduated from Yale College in 1826; and then immediately entered Yale Law School. In 1832 he was admitted to practice at New Haven, Connecticut, and returned to New York and continued his legal studies in the office of Tallmadge and Buckley. In 1833 he was admitted to practice at Albany, New York, and removed to Rome, New York, where he continued in the practice of his profession until he removed to Wisconsin. Having prior to 1850, with his brother, George C. Tallman, purchased large tracts of land in Illinois and in Wisconsin, he removed to Janesville, Wisconsin, in 1850 to take charge of these lands. He continued the practice of the law at Janesville, until 1854. During the time he was engaged in the practice of his profession, he was associated with Joseph A. Sleeper, A. Hyatt Smith and Charles L. Jordan.

In politics, he was a free soil Whig, and so strongly did he sympathize with the slave, that he became an abolitionist. He was in complete sympathy with Charles Sumner, Wendall Phillips, William Lloyd Garrison and William Goodell. He was a member of the convention of Abolitionists held at Whitestown, New York, that was attacked by a mob. His home was one of the stations of the "underground railroads" so called,



VERNON TICHENOR.

and many slaves were helped by him on their way to Canada. He was a personal friend of William H. Seward, and with him participated in many political campaigns in New York. At the formation of the Republican party he identified himself with it and became a friend of Abraham Lincoln, and aided in the abolition of slavery in this country. He was a man of decided convictions, which he always followed, a courteous christian gentleman and an able and conscientious lawyer.

DAVID TAYLOR.

Born: Carlisle, Schoharie county, New York, March 11, 1818.

Died: Madison, Wisconsin, April 3, 1891.

He graduated at Union College, in 1841, and was admitted to the bar, at Cobleskill, Schoharie county, New York, in 1844. After practicing there two years, he moved to Wisconsin in February, 1846, choosing Sheboygan as his residence. In July, 1846, he formed with Cyrus P. Hiller the firm of Taylor and Hiller, which continued until Mr. Taylor was elevated to the bench in 1858. He was a member of the assembly in 1853, and of the senate in 1855, 1856, 1869 and 1870. In 1858 he was appointed a judge of the fourth judicial circuit, to succeed Judge William R. Gorsline, resigned. He served, including two elections, until January 1, 1869. Upon retiring from the bench, he returned to practice in Sheboygan. In 1872 he removed to Fond du Lac where he was partner of J. M. Gillet and later of George E. Sutherland. His participation in molding the statute law of this state is his most enduring monument. He was one of the revisers who brought out the revised statutes of 1858; he annotated and published in 1871 the compilation of public statute law familiarly known as Taylor's Statutes; he was president of the revising commission that produced the revised statutes of 1878. A constitutional amendment increasing the number of judges of the supreme court from three unto five having gone into effect, Judge Taylor became one of the additional judges, and took his seat April 18, 1878. Holding this office he died. His first written opinion is in *American Button Hole and Sewing Machine Co., vs. Gurnee*, 44 Wis., 49, his last, *Coolican vs. Milwaukee & Sault Ste. Marie Improvement Co.*, 79 Wis., 471.

References: 80 Wisconsin XXVII, where his character is displayed at length; Wisconsin Blue Book 1899, 147, 154, 193; Proceedings Wisconsin Historical Society 1891, 26; History of the Bench and Bar of Wisconsin, I, 204.

WILLIAM F. TERHUNE.

Born: Northumberland, New York, July 10, 1821.

Died: Viroqua, Wisconsin, December 6, 1893.

He attended Union College, Schenectady, New York, and in 1846 was elected county superintendent of Green county, New York. In 1848 he

was admitted to the bar. He settled in Vernon county, Wisconsin, in 1851, and was soon appointed deputy clerk of the court and deputy clerk of the board of supervisors. In 1854 he was member of assembly, with residence at Viroqua. He held the offices of register of deeds, district attorney and county judge.

References: Wisconsin Blue Book, 1899, 193; Proceedings State Historical Society of Wisconsin, 1894, 26.

GERRIT TUNIS THORN.

Born: Lafayette, Onondago county, New York, July 20, 1832.

Died: New London, Wisconsin, February 3, 1900.

He was educated in the public schools of his native town and at Yates Polytechnic Institute, in Madison county, New York. At the age of sixteen years he commenced reading law in the office of Isaac W. Brewster, at Jamesville, New York, and at intervals from that time he was teaching, clerking in a store and pursuing his studies in the places above mentioned and in Bradford and Luzerne county, Pennsylvania. In the fall of 1854 he removed to Wisconsin and resided at Watertown. During the three or four years following he was teaching school and reading law, at different times in the office of Judge Samuel Baird, of Watertown, with Honorable Charles Billingshurst, at Juneau, and with Smith and Ordway, at Beaver Dam, and was admitted to the bar at Juneau in 1858. In the spring of 1859 he moved to Jefferson and entered upon the practice of law.

He was commissioned lieutenant-colonel of the Twenty-ninth Wisconsin Infantry, in August, 1862, and served with the regiment until February, 1863, when he resigned on account of his own health and the dangerous illness of his wife. In September, 1863, in connection with W. H. Tousley, he purchased the Jefferson County *Republican*. These proprietors changed its name to the Jefferson *Banner* and conducted it nearly four years. He was also the president of the village of Jefferson and one of the founders of the Jefferson Liberal Institute. In 1868 he was a delegate from Wisconsin to the National Democratic Convention in New York City, at which Governor H. Seymour was nominated for president of the United States.

He was a member of the senate of Wisconsin from Jefferson during the sessions of 1867-'68. In 1869 he moved to Fond du Lac and became the law partner of General Edward S. Bragg. He was elected a member of the assembly of Wisconsin from Fond du Lac for the session of 1871.

In the winter of 1872-'73 he sold out his practice at Fond du Lac and passed a year in Washington, D. C. Finding his health greatly restored he returned to Wisconsin in 1874 and settled at Appleton, where he re-



Wm. M. Tallman

sumed his practice. His health having again failed he removed to Nebraska City, Nebraska, in 1878, and lived upon a farm about four years. He then went to Oregon and Washington and practiced law a portion of the time at Seattle, and Olympia for three or four years. He then returned to Wisconsin and lived at Oshkosh, Clintonville and New London.

"It might be said further that Colonel Thorn was a student all of his life. He was well versed not only in law but in general literature. He had taken and read the *Atlantic Monthly* from its first issue, and was especially devoted to history, political economy, sociology and kindred subjects, and had read extensively Herbert Spencer, Mill, Hegel, Carlyle, Emerson and other writers, many of whose works are in his private library. Though a democrat, he was not a blind follower of the latter-day leaders in the party. His political views were broader and as a party man he sought to reach a higher place than the average politician."

References: Letter of his law partner, Charles A. Holmes, of New London, dated March 5, 1900, from which the above quotation is made; Sketch in the *New London Press* by the said Mr. Holmes at about the time of Mr. Thorn's death; Telegram in the *Milwaukee Sentinel* of February 4, 1900, in which it is stated that "The last important case that he handled was conducting the disbarment proceedings against Benjamin Goldberg. He prosecuted the case with great ability and vigor, winning the approval of the bar throughout the state;" Wisconsin Blue Book, 1899, 155, 194; Catalogue of newspaper files in the library of the State Historical Society of Wisconsin, 1899, page 130.

VERNON TICHENOR.

Born: Amsterdam, New York, August, 1815.

Died: Waukesha, Wisconsin, January 20, 1892.

He attended Union college Schenectady, and was admitted to the bar in Albany in 1838. In 1839 he removed to Wisconsin and settled in Waukesha then called Prairieville. He was the first lawyer to settle there. He held many public offices in the town and village, and was assemblyman in 1869. He was closely identified with the abolition movement and the conduct of the "under-ground railway" and was draft commissioner during the war of 1861. He was for many years a trustee of Carroll College and the president of the board. He was in active practice in Waukesha until his death—a period of about fifty-three years.

References: Wisconsin Blue Book, 1899, 194; Proceedings State Historical Society Wisconsin 1892, 27; Interview, October 5, 1900 with Judge M. S. Griswold, Waukesha.

HARVEY GRISWOLD TURNER.

Born: Scriba, Oswego county, New York, June 7, 1822.

Died: Milwaukee, Wisconsin, November 22, 1893.

When he came to Milwaukee at the age of twenty years he entered the law office of Finch and Lynde and was admitted to the bar in 1844. He was a member from Washington county of the Second Constitutional Convention in 1847-8. He was a member of the state senate for the sessions of 1851 and 1852 with residence at Ozaukee, and was county judge of Ozaukee county in 1853. During the later years of his life he was in practice in Milwaukee with his son William J. Turner.

References: Proceedings Wisconsin Historical Society, 1893, 26; Fathers of Wisconsin, 259; Wisconsin Blue Book, 1899, 16, 155.

JOHN H. TWEEDY.

Born: Danbury, Connecticut, November 9, 1814.

Died: Milwaukee, Wisconsin, November 11, 1891.

He graduated from Yale College in 1834 and was admitted to the bar in New Haven in 1836. In October 1836 he removed to Milwaukee which was his home until his death. He was a member, in place of Jonathan E. Arnold resigned, of the third legislative assembly of the territory which convened at Madison, December 6, 1841, and adjourned February 19, 1842. He was a member of the first constitutional convention which met in Madison, December 16, 1846. In 1847 he was elected territorial delegate to congress and drew the act for the admission of the territory as a state. He was the first Whig candidate for governor of the state but was defeated by Nelson Dewey. He was a member of assembly in 1853. He was one of the first directors of the Milwaukee and Mississippi railroad in which position he served until 1853. He was one of the organizers and directors of the Milwaukee and Watertown railroad. After practicing his profession for eleven years the condition of his health compelled him to relinquish it. He was, in 1851, one of the incorporators of the normal institute and High school of Milwaukee and became and continued interested as a director in that institution and its successor Milwaukee College until 1890 when he resigned.

References: Proceedings State Historical Society, Wisconsin 1891, 27; Wisconsin Blue Book 1899, 136; Wight's Annals of Milwaukee College, 4, 42; Fathers of Wisconsin 175; History of Milwaukee (Chicago 1881) 1585. His earliest reported case was *Mayhew v. Dudley*, 1 Pinney 95.



CHARLES H. WALKER.

THOMAS BURGESS TYLER.

Born: Chocecton, Sullivan county, New York, January 12, 1824.

Died: Sparta, Wisconsin, July 18, 1886.

When he was quite young his parents removed to Seneca, Ontario county, New York, where he was reared on a farm, attending the public schools during the winter months. When eighteen years of age he entered the Canandaigua Academy and studied two terms there, supported on his own resources. For several years thereafter he was employed in teaching. Having an inclination for professional life he at first chose that of medicine and read with Dr. Francis Dean for one year at Gorham, Ontario county, New York. At the end of this time the gold excitement having broken out, he went to California. Returning home after two years' absence, he settled at Coudersport, Pennsylvania. The succeeding year he was elected prothonotary and clerk of the courts. While holding these positions he commenced the study of law and in 1857 was admitted to the bar. In the same year he returned to Sparta, Wisconsin, and entered into the practice of law with Milton Montgomery. Mr. S. N. Dickenson became a member of the firm at the breaking out of the Civil War and the entry of Mr. Montgomery into the army. In 1873, upon the removal of Mr. Montgomery to Lincoln, Nebraska, the firm was left Tyler and Dickenson. The firm added to their law practice a large real estate and loan business. From the law department thereof Mr. Tyler withdrew in 1884. He then formed a partnership with Mr. Ira A. Hill in a general banking, real estate and loan business under the firm name of Tyler and Hill, which continued until Mr. Tyler's death.

"Mr. Tyler was an ardent democrat, and during the troublesome times of the late Civil War was active in measures supporting the Union armies in the field. As a citizen he always took an earnest interest in business enterprises of the place; and was vice-president of the First National Bank of Sparta, during its existence, and president of the Bank of Sparta, from March 13, 1883, until his decease. He often served in the council of the village, and was its president four years; and after it was incorporated as a city, was its first mayor. Although he took a lively interest in all public questions of importance he could hardly be called an active politician, as he was not a seeker after public preferment. He went as a delegate to the Democratic National Convention that met in New York City in July, 1868, when Horatio Seymour was nominated for president, and once he permitted his name to be used as a candidate for state senator, and ran ahead of his party ticket. In 1884 he was urged by his party to become a candidate for governor of the state, but declined to accept the distinguished honor.

In Masonic circles he was especially active, and widely known, as he held the highest offices in the order in Sparta and the state."

Reference. Data from Mr. Tyler's daughter, Mary E. Hill, of Sparta, Wisconsin, from whose sketch the above quotation is made.

L. F. S. VIELE.

Born: ———.

Died: Prairie du Chien, Wisconsin, February 10, 1900.

He moved to Prairie du Chien from the state of New York in 1862 and practiced law in connection with an extensive insurance business. He was a member of the Knights of Pythias, Odd Fellows and Masons. He died unmarried, aged about seventy years.

Reference. Newspaper clipping of the time of his death.

LEVI MADISON VILAS.

Born: Chelsea, Orange county, Vermont, February 17, 1844.

Died: Madison, Wisconsin, August 25, 1889.

His education was completed in the University of Wisconsin, from which he graduated in 1863. In the next year he graduated from the Albany law school and was admitted to the bar in New York. Returning to Madison, he engaged with his brother, William F. Vilas, in the practice of the law for about one year, after which he entered the quartermaster's department of the army as chief clerk, remaining there two years. In 1868 he removed to Eau Claire. While there he was elected as city attorney in 1872, mayor in 1876 and district attorney in 1877 and 1879.

In June 1887 Mr. Vilas removed from Eau Claire to St. Paul, Minnesota. Within two years after becoming a resident of St. Paul, Mr. Vilas was appointed by the governor of Minnesota, as judge of the district court for Ramsey county. While holding that office he was compelled, by ill health, to return to his home in Madison, where he died.

"His standing in the profession was such as any member of the bar might envy; such as cannot be reached otherwise than by the diligent application of a trained and strong mind. His manner of expression was marked; his style was his own—clear, terse and strong. His mind



GEORGE HENRY WAHL.

was eminently judicial, and had his life been spared his record as a jurist could have been equal to that he made as a lawyer; indeed, he would, in the opinion of the writer, have excelled as a judge. His merit in this direction was recognized by a large number of his professional brethren some years before he left Wisconsin, by asking him to become a candidate for associate justice of the supreme court."

Reference: History of the Bench and Bar of Wisconsin II, 602, from which the above quotation is extracted.

GEORGE HENRY WAHL.

Born: Milwaukee, Wisconsin, November 6, 1861.

Died: Milwaukee, Wisconsin, August 26, 1900.

His father, Jacob Wahl, was a theological student in the University of Geisen, Germany, when the revolution of 1848 broke out. Sympathizing with the insurgents he took an active part in the revolution and found a refuge in America upon its disastrous termination. He arrived in America in 1849 and removed to Milwaukee ten years later. He was teacher of a catholic school at Teutonia Road and Center Street at the time his son George Henry was born. The latter attended the public schools of Milwaukee, including the High school and the Normal school. He himself became a teacher for a year or more, being for a time in 1882 and 1883 in the Eleventh District school. In 1883 he entered the law department of the State University and graduated in 1885. From 1886 until 1889 he formed with Emil Wallber the law partnership of Wallber and Wahl. After practicing alone for a year he helped form the firm of Walker, Brown and Wahl. In 1891 and 1892 he was assistant district attorney of Milwaukee county. In 1894 he became the junior member of the firm of Miller, Noyes, Miller and Wahl, where his specialty was the defense of damage suits brought against street railway clients. Mr. Wahl continued with this firm until his death.

He was one of the organizers, and at one time the president of the Calumet club. He held also at different times the secretaryship and the presidency of the Milwaukee Musical society.

Reference: Milwaukee *Sentinel*, August 27, 1900; Milwaukee City Directory, 1861, 1882; Memorial Milwaukee County Bar Association.

CHARLES. T. WAKELEY.

Born: Elyria, Ohio, 1825.

Died: Madison, Wisconsin, October 15, 1894.

He early learned the printer's trade at Galena, Illinois. In 1848, he settled in Madison, and worked in the *Argus* office while attending the State University. From this institution he graduated in 1854, with its first class. In 1856 he was admitted to the bar. He practiced law and officiated as justice of the peace in Madison, until his death.

References: Proceedings State Historical Society Wisconsin 1894. 27; Fathers of Wisconsin, 182.

CHARLES H. WALKER,

Born: Tulley, Onondaga county, New York, September 5, 1828.

Died: Manitowoc Rapids, Wisconsin, December 14, 1877.

In his youth he removed to Ohio, where he graduated at Western Reserve College. He began the practice of law in Kenosha, and removed to Manitowoc in 1854. He was member of the assembly of Wisconsin during the sessions of 1856 and 1857. In the latter year he was elected county judge of Manitowoc county, and served until the summer of 1862, when he resigned to enter the army of the United States. He raised a company of volunteers of which he was elected and commissioned captain, and which formed a part of the 21st regiment Wisconsin infantry. He participated in many battles and was with General Sherman in his march to the sea. He closed his army career with the rank of major. During the last six years of his life he suffered from repeated strokes of paralysis.

References: Wisconsin Blue Book; 1899, 195; History of the Bench and Bar of Wisconsin, II, 142; Report of the proceedings of the annual meeting of the State Bar Association of Wisconsin, 1881 (Madison, 1883) 113.

WILLIAM C. WEBB.

Born: ———, Pennsylvania, ———, 1824.

Died: Topeka, Kansas, April 21, 1898.

He was born and educated in Pennsylvania. He was chief clerk of the assembly of Wisconsin during the session of 1857 and was a member of the assembly in the sessions of 1858, 1862, 1863 and 1864, at which dates his postoffice address was Wautoma, Waushara county, Wisconsin. He also entered the military service while a resident of Wisconsin and was promoted to a colonelcy in 1865.

On March 16, 1870, he was appointed district judge of the eleventh district court in Kansas, and at the same time was reporter of the volume of the supreme court, commencing April 1, 1871, with volume six and continuing through volume twenty, his residence being at that time Fort Scott, in Kansas. Judge Webb resigned his position as judge, however, on November 17, 1870.

He was for several sessions a member of the Kansas legislature and held the office of commissioner of insurance, county attorney and judge of the superior court of Shawnee county. He compiled and annotated the general statutes of the state of Kansas in 1897, in two volumes, passed by authority of the legislature. He was at that time a resident of Topeka.

References: History of the Bench and Bar of Wisconsin II, 296; Wisconsin Blue Book, 1899, 200, 196.



NELSON W. WHEELER.

PAUL A. WEIL.

Born: Besancon, France, July 22, 1829.

Died: West Bend, Wisconsin, April 1, 1891.

He studied at the College of St. Louis, Paris, where he remained two years after his parents emigrated to America, in order to perfect his studies. He followed his parents in 1844, living in New York, New Orleans and Cincinnati. In 1846 he settled in West Bend, where for twelve years he was in business with his father. In 1858 he became a law student in the office of Frisby and Mann at West Bend and was admitted to the bar in 1860. Mr. Mann having been elected judge of the third judicial circuit his former firm became Frisby and Weil. He was a member of the assembly in the session of 1858, with home address at Richland, Washington county. He had also been chairman of the county board of Washington county and for six years clerk of his school district. When Mr. Frisby became attorney general in January, 1882, Mr. Weil succeeded to his practice. His death was caused by suicide while suffering from serious mental depression.

References: Proceedings State Historical Society Wisconsin, 1891, 28; Wisconsin Blue Book, 1899, 196.

CHARLES K. WELLS.

Born: Waterville, Maine, December 22, 1817.

Died: Milwaukee, Wisconsin, January 4, 1892.

He entered Waterville College, now Colby University, in 1838. After remaining there two years he went to Yale and graduated from that institution in the class of 1842. After several years engaged in teaching in Virginia, he was admitted to the bar of that state, January 21, 1846. He practiced law in that state at Rocky Mount, Franklin county, until his removal to Milwaukee in April, 1847. In 1852 he formed a partnership in that city with Jerome R. Brigham, which opening in 1880 to receive Horace A. J. Upham, under the name of Wells, Brigham and Upham, continued without break until Mr. Wells' death. Mr. Wells was postmaster of Milwaukee, from June 1, 1864, to October 6, 1866.

References: Proceedings of the State Historical Society of Wisconsin 1892, 28 History of Milwaukee (1881) 667; Wells' Genealogy of the Wells family, 30.

JOHN THEODORE WENTWORTH.

Born: Greenfield, Saratoga county, New York, March 30, 1820.

Died: Racine, Wisconsin, February 8, 1893.

He graduated from Union College, Schenectady, New York, in 1846, and read law with William A. Beach of Saratoga Springs. He was ad-

mitted to the bar in 1850, and after practicing his profession at Saratoga Springs for about two years, he moved to Chicago; after a stay there of four years he settled at Geneva Lake, Walworth county, Wisconsin.

In 1857 and 1859 he was elected district attorney of that county. In 1869, he was elected clerk of the circuit court and while serving in that office he was, in 1876, elected circuit judge of the first circuit, to fill a vacancy caused by the expiration of the term of service of Judge Ira C. Paine. He served as circuit judge until 1884. During this period, in 1878 he changed his place of residence to Racine, which was his home when he died.

He served as state and United States court commissioner for some years and held the office of justice of the peace after the expiration of his term as circuit judge.

He was a Mason of long standing and held many offices in that order, including Grand Senior Warden and in 1865 Grand Master.

References: History of the Bench and Bar of Wisconsin I, 356; Wisconsin Blue Book, 1899, 147; Letter from his widow, Mrs. Frances M. Wentworth, of Racine, Wisconsin, March 29, 1900.

LUCIEN PORTER WETHERBY.

Born: Eagle, Onondaga county, New York, October 12, 1822.

Died: Hudson, Wisconsin, December 11, 1889.

He was educated in the public schools and at an advanced academy at Baldwinsville, New York. He studied law in the office of Angel and Grover, in Allegany county; was admitted to the bar in 1840; was district attorney and surrogate of that county, in which he began the practice of the law at Angelica; was delegate to one or more national Democratic conventions while a resident of his native state; came to Wisconsin in 1856 and settled in Hudson, which was his home until his death.

In 1860 he was elected judge of the eighth circuit to succeed Judge Henry D. Barron and served his full term of six years.

In 1867 he received some votes for the office of associate justice of the supreme court against Orsamus Cole.

"It is understood that Mr. Wetherby supported Judge Cole at that election.

"Judge Wetherby was a lawyer by both instinct and education. He was a conspicuous figure at the bar and on the bench. He was thoroughly informed in the fundamental principles of law, and well versed in the statutes. His comprehension of legal propositions, the accuracy of his discrimination and his ability to apply principles to stated cases were remarkable. He gave dignity to his profession by his



CHARLES G. WILLIAMS.

ability, knowledge and fairness. He despised the tricks of the pettifogger and plead for law and justice.

"He was an honest lawyer; judges, juries and clients believed in his honesty and respected his opinions. He knew law by intuition, and if he didn't know what it was he knew what it ought to be, and he practiced it skillfully and honorably."

References: History of the Bench and Bar of Wisconsin II, 298, from which the above quotation is taken; Wisconsin Blue Book, 1899, 147.

NELSON W. WHEELER.

Born: Worcester county, Massachusetts, June 29, 1828.

Died: Baraboo, Wisconsin, July 11, 1886.

When young his parents moved to Beloit where he studied law and was admitted to the bar. After practicing in Beloit awhile he removed to Chippewa Falls where he practiced nine years. From there he removed to Baraboo where he maintained his office until his death. He was district attorney of Sauk county for several terms. In 1883 he published *Old Thunderbolt in Justice Court*, a volume of 163 pages giving the author's experience in justice's court and showing how the law was practiced in the early day in this humble forum. Mr. Wheeler's portrait is in this volume. "Mr. Wheeler was considered the 'funny man' of the Sauk county bar. He was a good speaker; very successful in the trial of his criminal cases, but did not like the drudgery of looking up cases."

Mrs. Wheeler, the daughter of Rosaline Peck, was the first white woman born in Dane county.

References: Bibliography of Wisconsin authors (1893) 240; letter of Herman Grothorst, Esquire, of Baraboo, from which above quotation is made.

ORLANDO WILLIAMS WIGHT.

Born: Centreville, Alleghany county, New York, February 19, 1824.

Died: Detroit, Michigan, October 19, 1888.

Young Wight began his education at the district school in Centreville. At ten years of age discovering among his father's old books a treatise on algebra he applied himself mainly to its study and mastered it before he was eleven. At twelve he left home to attend a select school where he remained about six months. During this time he acquired the then entire West Point series of mathematics. About 1840 his father having moved to Westfield, New York, Orlando studied Latin and Greek at the academy there. At twenty he graduated at the collegiate institution Rochester, New York, and became teacher of ancient languages in

Genoa, New York, academy. At twenty-one he became instructor in mathematics and languages at Cayuga Academy, Aurora. In 1847 he accepted the presidency of Auburn, New York, Female Seminary, but shortly resigned on account of religious differences with the trustees. Going to New York city he was employed on the *Democratic Review* and the *Whig Review*. Becoming interested in theological subjects, he completed a full course in theology beginning with Liebnitz. He was ordained a minister by Dr. E. H. Chapin of New York, but kept aloof from all creeds and refused to join any church. For three years he was religious instructor in Newark, New Jersey, to a society of Unitarians, Universalists and Swedenborgians, his discourses being philosophical essays rather than sermons. From Newark Mr. Wight went to Boston, Massachusetts, where for two years he employed his time with reading, writing and lecturing on various topics. He wrote at this time *Life and Letters of Abelard and Heloise*, translated Cousin's *Course of the History of Modern Philosophy*, and edited Sir William Hamilton's *Philosophical Papers*. In 1853 Mr. Wight visited Europe, enjoying interviews with many distinguished authors, including especially De Quincey. In London in 1853 he translated Cousin's *Lectures on the True, the Beautiful and the Good*. The most of his time until 1861 was occupied with literary work and his name appears upon the title pages of more than forty volumes. Among these his edition of *The Standard French Classics* has an especially high reputation. In 1861 he was tendered, and declined, the mission to Switzerland. In the same year he studied medicine and took the degree of Doctor of Medicine from Long Island College Hospital in 1865. During this period also he studied law and was admitted to the bar.

About 1869 he moved to Oconomowoc, Wisconsin. After practicing medicine four years in that place he removed to Milwaukee and became editorial writer on the Milwaukee *Sentinel*. In 1873 he took an active part in organizing the elements opposed to the republican party in Wisconsin - an opposition which resulted in the election of a democratic governor in a strong republican state, and which brought upon Dr. Wight's head torrents of abuse and ridicule from the defeated party. In 1874 he was appointed state geologist of Wisconsin and surgeon-general of the state with the rank of brigadier. At this time he became one of the attorneys for defendants in the whisky prosecutions which became celebrated in the federal courts of the eastern district of Wisconsin, one consequence of which retainer was the case of *Wight versus Rindskopf*, 43 Wisconsin, 344, which might be profitably studied.

Dr. Wight was appointed in 1878 health commissioner of Milwaukee, but about 1882 he resigned to accept a similar office in Detroit. This also he resigned in 1887. In that year he began a trip around the world



JOHN K. WILLIAMS.

which he completed in 1888. He died as a result of malarial fever contracted in New Zealand.

Reference: Wight's *The Wights*, 215; Appleton's *Cyclopædia of American Biography* VI, 501; 3 Allibone's *Dictionary of Authors*, 2711; *Bibliography of Wisconsin Authors*, 1893, 243.

CHARLES G. WILLIAMS.

Born: Royalton, Niagara county, New York, October 18th 1829.

Died: Watertown, Dakota, March 30, 1892.

His father came from Hartford, Connecticut, and his mother from Shoreham, Vermont. He received an academic education at Lima, New York. After leaving the academy, he entered the office of I. F. and George Brewer, in Lockport, New York. In 1852, he removed to Rochester, New York, and continued his study of the law until he was admitted to practice in 1855. In 1856, he removed to Janesville, Wisconsin, and entered upon the practice of his profession. While engaged in the city of Janesville, he was associated with Hon. David Noggle, Hon. H. A. Patterson, Hon. George R. Peck, and Hon. John W. Sale.

In 1868, he was selected as presidential elector on the Republican ticket. In the same year, he was elected to the state senate, and was re-elected in 1870. During the two sessions of the senate, he was chosen president of the senate pro tem. In 1872, he was elected to congress and was four times re-elected. Upon the expiration of his term in 1873, he was appointed register of the land office in Dakota. On the election of Grover Cleveland as president, he resigned his office, but was re-appointed by President Harrison and held the office until his death. He was buried in Oak Hill cemetery at Janesville, Wisconsin.

As a lawyer he was careful and conscientious in his work. As an advocate he was able and persuasive. As an orator he stood in the very front rank. As an officer he was ever thoroughly loyal to duty. His integrity in all relations in life was unquestioned wherever he was known.

JOHN K. WILLIAMS.

Born: Smithport, McKean county, Pennsylvania.

Died: Shullsburg, Wisconsin, April 4, 1880.

His education was acquired in the common schools and in his early manhood he taught school and read law. He was admitted to the bar in 1845. In 1846 he became a resident of Shullsburg, Wisconsin, where he opened an office and practiced until his death.

He was district attorney of LaFayette county immediately after its organization. Was a member of the assembly in the session of 1850;

was chief clerk of the senate in 1852 and 1853; clerk of the circuit court in 1855 and 1856, and a member of the board of regents of the State University in 1876 and 1877.

"He was especially an office lawyer; though his abilities as an advocate were fair; and if he had cultivated a taste for the conflicts of the forum he would probably have succeeded as an advocate."

References: History of the Bench and Bar of Wisconsin II, 219; Wisconsin Blue Book, 1899, 197, where, however, his name seems to be confused with that of John D. Williams.

WILLIAM CLARENCE WILLIAMS.

Born: Darien, Walworth county, Wisconsin, April 7, 1852.

Died: Milwaukee, Wisconsin, March 27, 1898.

Young Williams resided in Darien until ten years of age and then removed with his parents to Union Grove, Racine county, Wisconsin. He was educated at Ripon College and removed to Milwaukee in 1870. He entered the office of Carpenter and Murphy and later that of Butler and Walker. He was admitted to the bar in the winter of 1872-73. His first partnership was formed in 1874 and was known as that of Williams and Merrill. In the fall of 1878 he associated with A. R. R. Butler and his son J. A. Butler, the firm being Butler, Williams and Butler. On May 1, 1880, the partnership of Williams and Elliott was formed, the junior partner being the present judge of the superior court of Milwaukee county.

In 1880 Mr. Williams became district attorney of Milwaukee county and again in 1885.

Later partners were A. B. May and D. Lloyd Jones. His last partnership was the firm of Williams, Jones and Lewis, which was dissolved a few weeks before his death. He was very active as a Knight of Pythias, in which order he held many offices including that of Grand Chancellor.

His specialty was criminal law. Obituaries on Mr. Williams give accounts of many criminal cases in which he was interested both for the city and as defendant. Perhaps the most important was the matter of the Bay View riots in May, 1886, in which Mr. Williams had charge of the grand jury that investigated the affair that found eighty-six indictments, including one against Paul Grottkau.

During the last year of his term as district attorney, out of over two hundred cases tried in the courts by him, there were but six verdicts of acquittal and of those three of the defendants were found insane.

His wife, Floretta, was a daughter of a lawyer, Myron H. Orton, and a niece of two other lawyers, John J. Orton and Harlow S. Orton.

References: Sketch furnished by Mrs. W. C. Williams; Obituary notices which appeared at the time of his death; History of Milwaukee (Chicago 1881) 672. A clipping from the Ripon *Free Press* of some years since speaks in the highest terms of a course of lectures entitled *The legislation of Moses*, delivered by Mr. Williams in the chapel of Ripon College.



WILLIAM CLARENCE WILLIAMS.

ALEXANDER WILSON.

Born: Westfield, Chautauqua county, New York, August, 1833.

Died: Lincoln, Nebraska, 1888.

He graduated from Union College in 1854. He taught school at Huntley Station in the winter of 1854 and 1855 and then at Dubuque, Iowa, where he read law for a time.

In the summer of 1855 he was engaged in surveying public lands in Iowa. In the fall of that year he was admitted to the bar at Dubuque, and went from there to Mineral Point, Wisconsin, where he taught school in the winter of 1859 and 1860.

He began the practice of law at the latter place in 1860. He served Mineral Point as superintendent of schools and as member of the board of education for several years; was district attorney of Iowa county three terms, beginning in 1861; resigned that office in 1867 and became county judge by appointment in December, 1867, and served about two years. He was county superintendent of schools in 1864.

Mr. Wilson was attorney-general of the state from January 7, 1878, to January 2, 1882. At the expiration of his term he returned to Mineral Point and resumed his practice. In 1887 he moved to Nebraska.

"Mr. Wilson's record as attorney-general was unexceptionable. He was not a brilliant man nor was he largely endowed by nature with mental powers; he was conservative, patient in making investigations, and ordinarily a safe counselor."

References: History of the Bench and Bar from which the above quotation is made, II, 220; Wisconsin Blue Book 1899, 143.

JOHN DARLIN WILSON.

Born: Johnston, Lanarkshire, Scotland, January 19, 1851.

Died: Boscobel, Wisconsin, March 27, 1897.

He came to the United States in 1864 and settled at Concord, New Hampshire, where he attended an academy. In 1865 he moved to Wisconsin, settled in LaFayette county and engaged in teaching school. He read law with Henry S. Magoon of Darlington, and M. M. Cothren of Mineral Point.

He was admitted to the bar of Lafayette county, June 22, 1873, and in July, 1875, formed a partnership with Mr. Cothren at Boscobel.

Upon the election of Mr. Cothren as circuit judge, in 1876, Mr. Wilson practiced alone, except that for about three years he was in partnership with the late Alexander Provis. "He was honest, frank, careful, true to his friends, faithful to his clients and a useful man in the community."

Reference: History of the Bench and Bar of Wisconsin, II, 221, from which above quotation is extracted.

MERRICK PRENTISS WING.

Born: Hinsdale, Berkshire county, Massachusetts, September 10, 1833.

Died: La Crosse, Wisconsin, April 11, 1895.

He removed with his parents in 1837 to a farm near Webster, Michigan, where he resided until 1853. In that year he returned to his native place where he attended the academy for two years. He then taught school for two terms. In 1855 he removed to Portage city, Wisconsin, and for seven years was employed in the abstract office of A. B. Allen. He studied law with G. C. Prentiss and Emmons Taylor at Portage and attended the law department of the Michigan University in 1861 and 1862, and in 1862 was admitted to the bar in Columbia county, Wisconsin. In 1863 Mr. Wing removed to La Crosse and formed a law partnership with B. F. Montgomery, which continued until the removal of Mr. Montgomery from the state in 1868. He then formed a partnership with Charles C. Gage, who died the following year. He was for two years in partnership with C. L. Hood, later with G. C. Prentiss, and last with Thomas A. Dyson. In 1872 he was elected city attorney at La Crosse. He was a member of the senate of Wisconsin during the sessions of 1877, 1878, 1881 and 1882.

"Mr. Wing was an able lawyer and made his influence felt on the bar of the Badger state. It was as a citizen of the Gateway city, however, that he will be best remembered, for he was ever watchful of her interests and always ready to give his time and money to such projects as promised to benefit the people. He had a strong constitution, an untiring energy, and was known as an indefatigable worker. His disposition was at all times sunny and genial, and no one could know him without feeling a warm friendship for him. His loss will be felt keenly in all circles of society. He was a prominent and valued member of the Masonic fraternity, and his demise will leave a gap in their ranks which will not be easily or soon filled."

References: Clippings from the *La Crosse Daily Press* of April 12, 1895, from which above quotation is made; Wisconsin Blue Book, 1899, 156; History of the Bench and Bar of Wisconsin II, 278.

LEANDER WYMAN.

Born: Herkimer county, New York, August 15, 1823.

Died: Milwaukee, Wisconsin, March 31, 1889.

When he was twelve years old his parents moved to Ohio and he began to read law in Medina county in that state. He came to Milwaukee in January, 1844, and there completed his law studies. He was admitted to the bar in the spring of 1845. He taught school until 1850 and then entered upon the practice of the law which he continued until his death.

Reference: History of Milwaukee (Chicago, 1881), 669.



LEVI MADISON VILAS.

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